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MATT BLUNT

SECRETARY OF STATE

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Jan. 30, 2002

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than 180 calendar days or 30 legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 2—DEPARTMENT OF AGRICULTURE Division 10—Market Development Chapter 5—Price Reporting

EMERGENCY RESCISSION

2 CSR 10-5.010 Price Reporting Requirements for Livestock Purchases by Packers. This rule specified the requirements of sections 277.200 through 277.215, RSMo, which may be confusing or subject to different interpretations by interested members of the public.

PURPOSE: This rule is being rescinded because a new rule 2 CSR 10-5.010 has been developed to clarify the 277.200 through 277.215, RSMo, which governs the purchase of livestock in this state by packers, and which may be confusing or subject to different interpretations by interested members of the public.

EMERGENCY STATEMENT: This emergency rescission is necessary to allow the adoption of a new rule 2 CSR 10-5.010 which will clarify the requirements of sections 277.200 through 277.215, RSMo and address issues that the current version of 2 CSR 10-5.010 does not address or does not adequately address. Without emergency promulgation of this rescission, uncertainty will continue to exist which is allowing some livestock packers to interpret this law to the disadvantage of the state's livestock producers. Missouri producers regularly generate significant dollar amounts in livestock sales, having generated \$2.47 billion in 1999 (2000

figures are not yet available). These sales significantly affect the economic health of this state, and serve, employ, and support a substantial number of the state's citizens. If the current 2 CSR 10-5.010 is not rescinded and replaced with the new 2 CSR 10-5.010, which is also being filed and adopted simultaneously with this rescission, Missouri producers and the state's economy risk losing billions of dollars in livestock sales.

The emergency rulemaking process will allow the Department of Agriculture to fulfill duties required by law while causing little or no disruption to daily commerce for the most economically significant segment of Missouri's economy.

The agency has weighed the compelling governmental interest against the due process rights of the public to notice and comment. In light of a potential threat to the public welfare, there is a compelling governmental interest to enact this rescission through emergency rulemaking.

The scope of this rescission is limited to the circumstances which created this emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. In developing this rescission the agency has encouraged discussion with interested parties and provided them the opportunity to offer their comments. The agency believes this emergency rescission to be fair to all persons and parties under the circumstances. This emergency rescission was filed on June 15, 2001, effective June 25, 2001, and expires February 28, 2002.

AUTHORITY: section 277.215, RSMo Supp. 1999. This rule previously filed as 2 CSR 10-5.005. Emergency rule filed Sept. 13, 1999, expired March 2, 2000. Original rule filed Oct. 15, 1999, effective April 30, 2000. Emergency rescission filed June 15, 2001, effective June 25, 2001, expires Feb. 28, 2002.

Title 2—DEPARTMENT OF AGRICULTURE Division 10—Market Development Chapter 5—Price Reporting

EMERGENCY RULE

2 CSR 10-5.010 Rules Governing Livestock Purchases by Packers

PURPOSE: The purpose of Sections 277.200 through 277.215 is to make it unlawful for a meat packers to offer to pay different prices to different livestock producers in Missouri in the same market and during the same marketing period without sound economic reasons for doing so. This rule clarifies the requirements of sections 277.200 through 277.215, RSMo, which may be confusing or subject to differing interpretations by interested members of the public.

EMERGENCY STATEMENT: The director of agriculture has determined that emergency procedures should be implemented to establish rules for the enforcement of the Missouri Livestock Packers Law. Sections 277.200 through 277.215 require that packers shall not discriminate in prices paid or offered to be paid to sellers of livestock, except in certain instances packers may offer differential prices. Section 277.215 RSMo provides the Department of Agriculture shall promulgate rules necessary to implement the act. Until this law is further defined by the rules process, uncertainty will exist that may allow some packers to interpret this law to the disadvantage of the state's producers. There is, therefore, a compelling governmental interest to clarify the statute to maintain an even flow of livestock to market. Clearly, the packers' interpretation of this new law could pose a threat to public welfare in Missouri. The detrimental economic impact on Missouri citizens

could be enormous. The Missouri agriculture industry, which generated \$4.26 billion dollars in farm receipts in Missouri in 1999, derives more than half of all income from livestock sales. Packers must have the information contained in these rules to comply with the law.

The emergency rulemaking process will allow the Department of Agriculture to fulfill duties required by law while causing little or no disruption to daily commerce for the most economically significant segment of Missouri's economy.

The agency has weighed the compelling governmental interest against the due process rights of the public to notice and comment. In light of a potential threat to the public welfare, there is a compelling governmental interest to enact this rule through emergency rulemaking.

The scope of this rule is limited to the circumstances which created this emergency and complies with the protections extended in the Missouri and United States Constitutions. In developing this rule the agency has encouraged discussion with interested parties and provided them the opportunity to offer their comments. The agency believes this emergency rule to be fair to all persons and parties under the circumstances. This emergency rule was filed on June 15, 2001, effective June 25, 2001, and expires February 28, 2002.

(1) The following definitions shall apply to the interpretation and enforcement of sections 277.200 through 277.215, RSMo:

(A) "Market"—defined as a geographic area within which the conditions which affect the price for livestock are identical, but shall in no instance be greater in size than a geographic circle with a diameter of thirty miles.

(B) "Livestock Market"—defined as a place where livestock are offered for sale or purchased based upon weight, appearance or reputation by means of a bid and ask system. The operator of a livestock market is excluded by statute from the requirements of sections 277.200 through 277.215, RSMo for offers made or prices paid for animals offered for sale through this market.

(C) "Marketing Period"—defined as any period of time during which the conditions affecting the price of livestock within a particular Market, including, but not limited to quantity demanded, remain constant.

(D) "Livestock Auction Agency"—defined as a place where livestock are offered for sale or purchased based upon weight, appearance or reputation by means of an auction. The operator of a livestock auction agency is excluded by statute from the requirements of sections 277.200 through 277.215, RSMo for offers made or prices paid for animals offered for sale through this agency.

(E) "Discriminate in prices paid or offered"—defined as offering, or paying, different prices for livestock unless such price differential is based on a sound economic reasons, including, but not limited to the following exceptions:

1. An anticipated difference in the date when the animals will be slaughtered or are intended to be slaughtered; or
2. An anticipated difference in the time within a kill shift when the animals will be or are intended to be slaughtered (e.g. premiums may be warranted for animals to start or to complete a kill schedule); or
3. A difference in the marketing period when the offer is made; or
4. A difference in the marketing period when the offer is accepted; or
5. A difference in the date when the price is to be paid; or
6. A difference in the packing plant where the animals will be or it is intended will be slaughtered; or
7. A difference in location of the animals. The price difference associated with location differences shall not be greater than can be justified by differences in cost of transportation, shrinkage,

morbidity, mortality, and time associated with moving the livestock to slaughter; or

8. A difference in the number of animals being offered for sale. The price difference associated with lot size shall not be greater than can be justified by differences in transportation and transactions costs; or

9. A difference in the individual making the offer. Since packers cannot maintain continuous communication with all their buyers, different buyers may be offering different prices at the same time; or

10. A difference in expected transactions costs associated with acquisition and payment; or

11. A response to a competitor's bid for the livestock; or

12. An agreement or contract for delivery of livestock to a packer; or

13. A forward contract based on the futures market; or

14. A difference in the type of market where the animals are offered for sale. The type of market is determined by the location of the animal when transfer of ownership to the packer occurs. Market types include but are not limited to—

- A. the farm where the livestock are fed
- B. a public sale barn or auction
- C. a terminal market or stockyards
- D. a buying station operated by a packer
- E. a buying station operated by a non-packer
- F. a collection point which includes holding and loading facilities
- G. a packing plant
- H. other

Because of cost differences associated with purchasing livestock through different types of markets, prices offered or paid for livestock by "packers" need not be the same across market types.

15. Perceived differences in quality of livestock.

(F) "Quality of livestock"—discrimination only applies to offering or paying different prices for the same quality of livestock. Differences in quality of livestock can be based upon a number of factors, including, but not limited to the following:

1. Animals of different species; or
2. Animals of different sex; or
3. Castrated and intact males; or
4. Spayed and intact females; or
5. Animals of different age; or
6. Animals of different weight; or
7. Animals of different breeds, actual or apparent; or
8. Animals with different quality grades; or
9. Open, bred and lactating animals; or
10. Animals with physical injury or impairment; or
11. Diseased animals; or
12. Animals which yield different dressing percentages; or
13. Animals which yield carcasses with different percent lean; or
14. Animals which produce meat of visibly different quality; or
15. Animals which produce hides of visibly different quality; or
16. Animals from herds with known carcass characteristics based on previous animals slaughtered; or
17. Animals from herds which participate in quality certification programs such as Pork Quality Assurance; or
18. Animals raised under special management programs associated with feed, housing, genetics, health programs, etc. such as "organic" or "free-range" or "lean"; or
19. Others factors such as the age, health, appearance, actions, or nature of the Livestock as it relates to the ease of transporting, killing, or processing the Livestock, or as it relates to the anticipated carcass quality of the Livestock.

(G) "Missouri resident"—defined as any—

1. Individual residing or domiciled in Missouri;

2. Missouri corporation
 3. Missouri limited liability company (LLC)
 4. Partnership doing business in Missouri
- (H) Direct purchases—shall include but shall not be limited to—
1. Cash;
 2. Grade and yield;
 3. Grid;
 4. Formula pricing.

(2) The nature of public auction insures that discrimination does not occur. The open bidding process on livestock already delivered to a specific place and occurring at a given time and with the stock present for all to view allows the final and successful bidder to meet the requirements specified in section 277.203, RSMo. Therefore sections 277.200 through 277.215, RSMo, shall not apply to a “packer” or packer’s agent who purchases or solicits livestock at a public auction market or stockyards.

(3) Since a Packer cannot be expected to buy all of the livestock offered for sale, a refusal to bid for some animals or a bid of \$0 shall not be considered to be price discrimination or a violation of sections 277.200 through 277.215, RSMo.

(4) If a packer makes a differential payment to a seller of livestock during a particular marketing period, the packer shall print information it uses to make differential pricing, including the payment method for animal quality, carcass merit, transportation costs, acquisition costs, and make such written information generally available to those who request it. Such information may be transferred electronically or manually. Such written information shall include an offer to enter into an agreement for the delivery of livestock at a specified date or time according to the same terms and conditions offered to other sellers, unless those terms would not be available because of one of the exceptions to discrimination listed hereinabove in (1)(E).

AUTHORITY: section 277.215, RSMo 2000. This rule previously filed as 2 CSR 10-5.005. Emergency rule filed Sept. 3, 1999, effective Sept. 13, 1999, expired March 2, 2000. Original rule filed Oct. 15, 1999, effective April 30, 2000. Emergency rescission and rule filed June 15, 2001, effective June 25, 2001, expires Feb. 28, 2002.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program

EMERGENCY AMENDMENT

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA).
The division is amending section (8).

PURPOSE: The Emergency Amendment amends section (8). This amendment will lower the Federal Reimbursement Allowance (FRA) Assessment for SFY 2001 from 5.90% to 5.50%.

EMERGENCY STATEMENT: The Division of Medical Services finds that this Emergency amendment is necessary to preserve a compelling governmental interest requiring an early effective date in that the Emergency amendment made adjustments to the Federal Reimbursement Allowance for SFY 2001 to ensure access to hospital services for indigent and Medicaid recipients at hospitals which have relied on Medicaid payments in meeting those needs. The Division of Medical Services also finds an immediate danger to public health and welfare which requires emergency actions. If this Emergency amendment is not enacted it will cause significant cash flow shortages and financial strain on all hospitals which service more than 600,000 Medicaid recipients. This will, in turn, result

in an adverse impact on the health and welfare of those in need of medical care and treatment. This Emergency amendment limits its scope to the circumstances creating the emergency and complies with the protections extended by the Missouri and United States Constitutions. Therefore, the division believes this Emergency amendment to be fair to all interested persons and parties under the circumstances. This emergency amendment was filed June 8, 2001, effective June 18, 2001, and expires December 8, 2001.

(8) Federal Reimbursement Allowance (FRA) for State Fiscal Year 2001. The FRA assessment for State Fiscal Year 2001 shall be determined at the rate of *[five and ninety hundredths percent (5.90%)] five and fifty hundredths percent (5.50%)* of the hospital’s net operating revenues and other operating revenues defined in paragraphs (1)(A)12., and 13., as determined from information reported in the hospital’s 1997 base year cost report. **The State Fiscal Year (SFY) 2001 FRA Assessment shall be used as an estimate of the SFY 2002 FRA Assessment until such time as the regulation establishing the SFY 2002 FRA Assessment is effective.**

AUTHORITY: sections 208.201, [and] 208.453[, RSMo 1994] and 208.455, [Supp. 1999] RSMo 2000. Emergency rule filed Sept. 21, 1992, effective Oct. 1, 1992, expired Jan. 28, 1993. Emergency rule filed Jan. 15, 1993, effective Jan. 25, 1993, expired May 24, 1993. Original rule filed Sept. 21, 1992, effective June 7, 1993. For intervening history, please consult the Code of State Regulations. Emergency amendment filed June 8, 2001, effective June 18, 2001, expires Dec. 8, 2001. A proposed amendment covering this same material is published in this issue of the Missouri Register.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rule-making process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least 30 days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than 30 days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the 90-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than 30 days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.110 General Prohibition; Applications. The department proposes to amend section (2).

PURPOSE: This amendment allows Asiatic clams taken from impoundments that are not waters of the state to be bought, sold, possessed, transported and exhibited without permit.

(2) Except for federally-designated endangered species and species listed in 3 CSR 10-9.240, the following may be bought, sold, pos-

sessed, transported and exhibited without permit: **Asiatic clams (*Corbicula species*) taken from impoundments that are not waters of the state;** bison; amphibians, reptiles, and mammals not native to Missouri; and those birds (except ring-necked and **Korean** pheasants and gray partridge) not native to the continental United States.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-4.110(5), (6) and (10). Original rule filed June 26, 1975, effective July 7, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed June 1, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 12—Wildlife Code: Special Regulations for Areas Owned by Other Entities

PROPOSED RULE

3 CSR 10-12.109 Closed Hours

PURPOSE: This rule establishes closed hours for uses other than fishing and other conservation-related recreation at several areas managed in cooperation with other public entities.

(1) Closed Hours. The following areas are closed to public use from 10:00 p.m. to 4:00 a.m. daily; however, hunting, fishing, trapping, dog training, camping, launching boats and landing boats are permitted at any time on areas where these activities are authorized, except as further restricted in this chapter.

- (A) Bowling Green (West City Lake)
- (B) Empire District Electric Company (Ozark Beach Recreation Area)
- (C) Department of Mental Health (Marshall Habilitation Center Lake)
- (D) Green City Lake
- (E) Higbee (City Waterworks Lake)
- (F) Kirksville (Hazel Creek Lake)
- (G) Lancaster (New City Lake, Paul Bloch Memorial Pond)
- (H) LaPlata City Lake
- (I) Memphis (Lake Showme)
- (J) Milan (Elmwood Lake)
- (K) Monroe City (Route J Reservoir)
- (L) Rockaway Beach Access
- (M) Springfield City Utilities (Fellows Lake, Lake Springfield, Tailwaters Access)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 1, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 233—State Committee of Marital and Family
Therapists
Chapter 1—General Rules**

PROPOSED AMENDMENT

4 CSR 233-1.040 Fees. The state committee is proposing to delete subsections (1)(C), (1)(F), (1)(G) and (1)(K), and renumber the remaining sections accordingly.

PURPOSE: Since the division has contracted with an examination service that administers the national test, the state committee is deleting the fee for examination and recommending the applicant send the fee directly to the examination service. The replacement wall-hanging fee is being deleted since the state committee is not printing wall-hanging certificates due to their expense. The state committee is also deleting the research and copying fees pursuant to section 610.026, which states fees for researching and copying records shall not exceed the actual cost of document search and duplication.

(1) The following fees are established by the Division of Professional Registration and are payable in the form of a cashier's check, personal check or money order:

<i>[(C) Examination \$205.00]</i>	
<i>[(D)] (C) Annual License Renewal Fee</i>	\$175.00
and in addition—	
1. One day to 60 (1–60) days late (an additional)	\$75.00
2. Sixty-one (61) days to two (2) years late (an additional)	\$175.00
<i>[(E)] (D) Endorsement to Another Jurisdiction</i>	\$ 10.00
<i>[(F) Replacement wall-hanging</i>	\$ 15.00
<i>(G) Copy cost (per page)</i>	.50/
<i>[(H)] (E) Educational Review</i>	\$ 50.00
<i>[(I)] (F) Insufficient Funds Check Fee Charge</i>	\$ 50.00
<i>[(J)] (G) Change Supervision Fee</i>	\$ 50.00
<i>[(K) Research Fee per hour]</i>	\$ 35.00/

AUTHORITY: sections 337.712[.1 and 4, and 337.712.1(10)] and 337.727, RSMo [Supp. 1997] 2000. Original rule filed Dec. 31, 1997, effective July 30, 1998. Amended: Filed May 22, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee of Marital and Family Therapists, Loree Kessler, Executive Director, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 233—State Committee of Marital and Family
Therapists
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

4 CSR 233-2.010 Educational Requirements. The state committee is proposing to add new language in subsections (3)(D), (4)(F), (5)(F) and (7)(B).

PURPOSE: This amendment establishes a deadline for submitting applications based upon when graduate training began. This amendment also mandates a practicum in marital and family therapy consisting of at least 500 hours of direct client contact.

(3) For graduate training beginning prior to January 1, 1981, an applicant shall have completed the following:

(D) An applicant shall meet all of the educational requirements and shall apply for supervision or licensure by August 31, 2007.

(4) For graduate training beginning after January 1, 1981 and before August 31, 2000, applicants shall have completed the following:

(F) An applicant shall meet all of the educational requirements for licensure and shall apply for licensure or supervision by August 31, 2007.

(5) For graduate training beginning after August 31, 2000, the applicant shall have completed the following:

(F) Six (6) semester hours or ten (10) quarter hours of practicum in marital and family therapy, including at least five hundred (500) hours of client contact.

(7) A course shall be counted once in granting credit for a core area and shall be an in-depth study solely devoted to a particular core area. No core area credit shall be given for courses which contain only a component or some aspects of a core area. The core areas are defined as follows:

(B) The Practice of Marriage and Family Therapy—Courses in this area cover the historical development, theoretical foundations, contemporary conceptual directions, and critical philosophical issues of marriage and family therapy and applied marriage and family therapy practice. Within the context of systems theory and marriage and family therapy, courses will cover assessment, evaluation and treatment of dysfunctional relationship patterns and mental disorders consistent with the scope of practice as defined in section 337.700(7) RSMo, *Cum. Supp. 1997*. Major marriage and family therapy assessment methods and instruments shall be covered;

AUTHORITY: sections 337.715 and 337.727[.1(5), (6), and (10)] RSMo Supp. 1997], RSMo 2000. Original rule filed Dec. 31, 1997, effective July 30, 1998. Amended: Filed May 22, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee of Marital and Family Therapists, Loree Kessler, Executive Director, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 2333—State Committee of Marital and Family
Therapists
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

4 CSR 233-2.020 Supervised Marital and Family Work Experience. The state committee is proposing to amend sections (1), (4) and (5), add new language in section (8), renumber the remaining sections accordingly, add new language in paragraphs (8)(C)3. and (8)(C)4., amend section (13), and add new language in subsection (13)(C) and delete the forms that follow this rule from the *Code of State Regulations*.

PURPOSE: This amendment corresponds with the amendments to the educational requirements in 4 CSR 233-2.010, subsections (3)(D) and (4)(F).

(1) The phrase supervised clinical experience as used in section 337.715.1(2), RSMo [Cum. Supp. 1997] shall mean post degree training in the practice of marital and family therapy as defined in section 337.700(7), RSMo [Cum. Supp. 1997] beginning after the satisfactory completion of the educational requirements set forth in 4 CSR 233-2.010 and obtained under the supervision of an acceptable supervisor as defined in 4 CSR 233-2.021.

(4) Applicants for supervised experience in marital and family therapy whose graduate training began prior to January 1, 1981, shall complete all educational requirements as defined in 4 CSR 233-2.010(3) **and shall apply for supervision by August 31, 2007.**

(5) Applicants for supervised experience in marital and family therapy whose graduate training began after January 1, 1981, and before August 31, 2000, shall complete all educational requirements as defined in 4 CSR 233-2.010(4) **and shall apply for supervision by August 31, 2007.**

(8) A supervisor shall be licensed as marital and family therapist, professional counselor, psychologist, clinical social worker, or psychiatrist in Missouri for supervised experience in this state to be considered for licensure.

[(8)] (9) The characteristics of acceptable supervision shall include in no more than sixty (60) calendar months:

(A) *[At least] A minimum of three thousand (3,000) hours of supervised experience in marital and family therapy [obtained in no fewer than twenty-four (24) and no more than sixty (60) calendar months]; and*

(B) *[At least] A minimum fifteen hundred (1,500) hours of the three thousand (3,000) hours of supervised experience in marital and family therapy shall be direct client contact;].*

For the purpose of these rules, direct client contact shall be defined as face-to-face interaction between the client and therapist in the same room; and

(C) A minimum of twenty-four (24) calendar months of supervised experience. The S-MFT must obtain at least fifteen (15) hours of supervised experience within a calendar month in order for the experience to be considered by the state committee and must be in compliance with 4 CSR 233-2.020(1), (2), (4) or (5) or (6), (7) and (8); and

[(C)] (D) A minimum of two (2) hours every two (2) weeks of individual face-to-face supervision with the registered supervisor.

1. At least half of the supervision shall be individual face-to-face supervision which may consist of no more than (2) two S-MFTs meeting with the registered supervisor.

2. The remaining supervision may be group supervision. For the purpose of this rule, group supervision may consist of at least three (3) and no more than six (6) S-MFTs.

3. The S-MFT must complete a minimum of two hundred (200) hours of supervision, at least half of which one hundred (100) hours must be in individual face-to-face supervision.

[/3./ 4.] 4. The use of electronic communication is not acceptable for meeting supervision requirements of this rule unless the communication is verbally and visually interactive between the supervisor and S-MFT; and

[(D)] (E) The services provided by an S-MFT shall be performed under the registered supervisor's full order, control, oversight and guidance. The S-MFT shall remain under the supervision until licensed as a marital and family therapist.

1. An S-MFT shall not engage in independent, private practice and shall not offer therapy from any office that is not affiliated with a mental health group, practice, mental health agency, mental health clinic, school or hospital.

2. An S-MFT shall not engage in marketing or advertising services without including the name and license number of the registered supervisor.

3. An S-MFT shall not bill clients for therapeutic services. Billing and remuneration for marital and family therapy provided by the S-MFT shall be facilitated by the organization employing or affiliated with the S-MFT or the registered supervisor.

4. A therapist shall use one (1) of the following terms while under supervision for licensure: S-MFT, or supervised marital and family therapist.

5. The registered supervisor shall read and cosign all written reports, to include their license number, including treatment plans and progress notes prepared by the S-MFT. If the setting prohibits the cosign-signing of reports, it shall be the responsibility of the S-MFT to document that written reports, to include treatment plans and progress notes, have been reviewed by the registered supervisor.

[(9)] (10) The supervisor and applicant shall be employed by or affiliated by contract with the same professional setting and the professional setting shall not include private practice in which the S-MFT operates, manages or has an ownership interest in the private practice.

[(10)] (11) During the period of supervised experience in marital and family therapy, the S-MFT shall inform the client that the S-MFT is under supervision for licensure, along with the name and address and license number of the registered supervisor.

[(11)] (12) Within two (2) months of completing supervision as defined in this rule, the S-MFT shall submit an application for licensure. Any S-MFT who does not apply for licensure within that period of time shall be prohibited from providing services pursuant to section 337.700(7), RSMo [Cum. Supp. 1997].

[(12)] (13) For individuals applying for supervised experience in marital and family therapy on the basis of a doctoral or specialist's degree, **additional** supervised experience in marital and family therapy *[shall involve a minimum of fifteen-hundred (1,500) hours in no less than one (1) year and no more than two (2) years.] shall include in no more than twenty-four (24) calendar months:*

(A) At least fifteen hundred (1,500) hours of supervised experience in marital and family therapy; and

[(A)] (B) At least seven-hundred fifty (750) hours of supervised experience in marital and family therapy shall be direct client contact in which the applicant for supervision shall engage in the practice of marital and family therapy as defined in section 337.700(7), RSMo [Cum. Supp. 1997]; and

[(B) Supervision shall be in compliance with 4 CSR 233-2.020(8)(C)1.-3., (8)(D)1.-5. and 9.-11.]

(C) A minimum of twelve (12) calendar months of supervised experience. The S-MFT must obtain at least fifteen (15) hours of supervised experience within a calendar month in order for the experience to be considered by the state committee and must be in compliance with 4 CSR 233-2.020(10), (11), and (12); and

(D) The committee may grant credit for up to twelve (12) months and fifteen hundred (1,500) hours of supervised clinical experience as part of the specialist's or doctoral program. In order to complete the requirement, the applicant shall obtain supervised experience in marital and family therapy pursuant to 4 CSR 233-2.020(13)(A) and (B).

[[13]] (14) Applicants with supervised experience in marital and family therapy completed before August 28, 1995, may submit supervised experience in marital and family therapy for review and approval on a form pursuant to 4 CSR 233-2.020. Verification of supervision shall include an attestation form signed by the supervisor.

(A) If a supervisor is deceased or cannot be located by the applicant, the applicant shall provide documentation verifying supervised hours and time providing marital and family therapy.

AUTHORITY: sections 337.715 and 337.727[.1(4), (6), and (10)] RSMo [Supp. 1997] 2000. Original rule filed Dec. 31, 1997, effective July 30, 1998. Amended: Filed May 22, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee of Marital and Family Therapists, Loree Kessler, Executive Director, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 233—State Committee of Marital and Family Therapists

Chapter 2—Licensure Requirements

PROPOSED AMENDMENT

4 CSR 233-2.021 Registered Supervisors and Supervisory Responsibilities. The state committee is proposing to add new language in subsections (1)(D) and (1)(E), amend sections (2)–(3), and add new language in subsections (2)(A) and (3)(E), and delete the forms that follow this rule from the *Code of State Regulations*.

PURPOSE: This amendment allows supervision from other states to be reviewed to determine an applicant's eligibility for licensure.

(1) In order to provide supervision for a supervised marital and family therapist (S-MFT), a registered supervisor shall document the following:

(B) Five (5) years clinical experience in providing marital and family therapy as defined in section 337.700(7), RSMo [Cum. Supp. 1997]; and

(C) Currently licensed in Missouri as a marital and family therapist, professional counselor, psychologist, clinical social worker, or psychiatrist./; and

(D) Applicants for licensure or supervision may submit current or past postgraduate supervised experience from another state for consideration by the state committee. The supervisor must be licensed during the time of supervision in the state where supervised experience occurred as a marital and family therapist, professional counselor, psychologist, clinical social worker, or psychiatrist; and

(E) A supervisor from another state shall document credentials pursuant to 4 CSR 233-2.021(1)(A), (B), and (D).

(2) A registered supervisor in Missouri completing a graduate degree before January 1, 1990, shall comply with 4 CSR 233-2.021(1)(A)–(C) and shall document training and experience in marital and family therapy and in supervisory activities involving marital and family therapy with a resume or vitae detailing course work, work shops, supervision-of-supervision and supervisory experience in marital and family therapy supervision.

(A) A supervisor from another state completing a graduate degree before January 1, 1990, shall document training and experience in marital and family therapy and in supervisory activities involving marital and family therapy with a resume or vitae detailing course work, work shops, supervision-of-supervision and supervisory experience in marital and family therapy supervision.

(3) A registered supervisor in Missouri completing a graduate degree after January 1, 1990, shall comply with 4 CSR 233-2.021(1)(A)–(C) and shall document the following:

(D) The supervisor of an S-MFT shall have completed the educational requirements defined in 4 CSR 233-2.010(3) or (4)/.; and

(E) A supervisor from another state completing a graduate degree after January 1, 1990, shall comply with 4 CSR 233-2.021(1)(A)–(C) along with documenting the following:

1. A three (3) semester hour or five (5) quarter hour graduate course in marriage and family therapy supervision or a comparably organized and integrated series of workshops and supervised studies of marital and family therapy supervision; and

2. Documentation of at least thirty (30) hours of supervision-of-supervision and/or in the process of receiving supervision-of-supervision; and

3. The supervisor of an S-MFT shall have completed 4 CSR 233-2.021(3)(A) prior to completing thirty (30) hours of supervision-of-supervision; and

4. The supervisor of an S-MFT shall have completed the educational requirements defined in 4 CSR 233-2.010(3) or (4).

AUTHORITY: sections 337.715 and 337.727[.1(4), (6), and (10)], RSMo [Cum. Supp. 1997] 2000. Original rule filed Dec. 31, 1997, effective July 30, 1998. Amended: Filed May 22, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee of Marital and Family Therapists, Loree Kessler, Executive Director, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 233—State Committee of Marital and Family
Therapists**

Chapter 2—Licensure Requirements

PROPOSED AMENDMENT

4 CSR 233-2.040 Examination Requirements. The state committee is proposing to delete sections (2)–(5) and add new language in sections (2) and (3).

PURPOSE: This amendment provides the state committee's address and telephone number for an applicant to request the forms necessary to apply for licensure by examination. This amendment also deletes the fee for examination and requires the applicant to send the fee directly to the examination service the division has contracted with to administer the national test.

[(2) An applicant for licensure by examination shall submit the applicable non-refundable fees as defined in 4 CSR 233-1.040(1)(A) and (C).

(3) If the applicant fails to appear for the examination without submitting a written notice to the state committee at least one (1) week prior to the examination, the examination fee shall be subject to forfeiture.

(4) A candidate approved to take an examination shall take one (1) of the next three (3) examinations administered from the date of initial approval. If the candidate has not taken the examination by the end of the period herein prescribed—

(A) The initial approval to take the examination shall become invalid; and

(B) In order to be considered for subsequent examination, the applicant shall file with the division a complete new application including the non-refundable application fee.

(5) Any applicant failing to pass the examination shall notify the division of the intent to take the examination again and shall pay the appropriate non-refundable examination fee at least thirty (30) days prior to the scheduled examination.

(A) After paying the examination fee, an applicant may take the test within eighteen (18) months from the date of the failed exam without filing a new application and presenting evidence of additional education and experience.]

(2) An applicant for licensure by examination shall submit a request to take the examination on a form provided by the Missouri Division of Professional Registration or the state committee and may be obtained by writing the division or state committee at PO Box 1335, Jefferson City, MO 65102 or by calling (573) 751-0870. The TDD number is (800) 735-2966.

(3) The applicant shall submit the required examination fee to the examination service responsible for administering the examination.

AUTHORITY: section 337.727.1(1), (3), (6) and (10), RSMo [Supp. 1997] 2000. Original rule filed Dec. 31, 1997, effective July 30, 1998. Amended: Filed May 22, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee of Marital and Family Therapists, Loree Kessler, Executive Director, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

Division 240—Public Service Commission

Chapter 21—Electric Service Territorial Agreements

PROPOSED AMENDMENT

4 CSR 240-21.010 Schedule of Fees. The commission is amending the Purpose, sections (1) and (2) and adding sections (3)–(5).

PURPOSE: The proposed amendment to the rule increases the fees for filing and resolution of territorial agreements and territorial disputes as well as providing for fees in annexation cases.

PURPOSE: This rule [sets] establishes a schedule of fees for commission review of proposed territorial agreements, petitions for commission designation of [between] electric service [suppliers] areas, and annexation-related applications.

(1)[An application for c] Commission review of an application for a proposed territorial agreement [between electric service suppliers], a petition for commission designation of electric service areas, or an application for resolution of an annexation-related dispute, shall be accompanied by an initial filing fee [of two hundred fifty dollars (\$250)] in the amount of five hundred dollars (\$500).

(2) In addition to the filing fee, the fee for commission review of an opposed application for approval of a proposed territorial agreement between electric service [suppliers] providers is set at [twenty-five dollars (\$25) per hour of hearing plus] six hundred eighty-five dollars (\$685) per hour of hearing time, subject to a minimum charge for hearing time of six hundred eighty-five dollars (\$685). There is an additional charge of three dollars and fifty cents (\$3.50) per page of transcript. These fees are in addition to the fees authorized by section 386.300, RSMo.

(3) The parties shall be responsible for payment of any unpaid fees on and after the effective date of the commission's report and order relating to the electric territorial agreement, designation of service areas, or annexation-related application. The executive director shall send an itemized billing statement to the applicants on or after the effective date of the commission's report and order. Responsibility for payment of the fees shall be that of the parties to the proceeding as ordered by the commission in each case.

(4) An application for commission review of proposed amendment(s) to an existing territorial agreement between electric service providers shall not be subject to the fee of five hundred dollars (\$500) specified in section (1) of this rule. However, the applicants shall be responsible for the payment of a fee which reflects necessary hearing time (including the minimum hearing time charge) and the transcript costs as specified in section (2) of this rule.

(5) On July 1 of each year, the filing fee and the fee per hour of evidentiary hearing time will be modified to match any percentage change in the Consumer Price Index for the twelve (12)-month period ending December 31 of the preceding year.

AUTHORITY: sections 394.312 and 386.800, RSMo [Cum. Supp. 1990] 2000. Original rule filed Oct. 3, 1989, effective Jan. 1, 1990. Amended: Filed June 1, 2001.

PUBLIC COST: This proposed amendment will cost municipal electric utilities approximately \$6,800 in the aggregate. This amount assumes a ten-year life of the rule, and an increasing consumer price index yearly average. A detailed fiscal note, which estimates the cost of compliance with the rule, has been filed with the secretary of state.

PRIVATE COST: This proposed amendment will cost electric utility companies approximately \$14,750 in the aggregate and will cost electric utility cooperatives approximately \$17,000. These amounts assume a ten-year life of the rule, and an increasing consumer price index yearly average. A detailed fiscal note, which estimates the cost of compliance with the rule, has been filed with the secretary of state.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. Comments should refer to Case No. EX-2001-450, and be filed with an original and nine copies. A public hearing is scheduled for August 7, 2001, at 10:00 a.m., Room 305 in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.*

**FISCAL NOTE
PUBLIC ENTITY COST****I. RULE NUMBER**

Title: 4-DEPARTMENT OF ECONOMIC DEVELOPMENT

Division: 240-Public Service Commission

Chapter: 21-Electric Service Territorial Agreements

Type of Rulemaking: proposed amendment

Rule Number and Name: 4 CSR 240-21.010 Schedule of Fees

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Municipal Electric Utilities	\$6,800.00

III. WORKSHEET

If the average hearing lasts approximately one hour, and by rule the parties cannot be charged for less than one hour, the cost would be: \$500 initial filing fee, plus \$685 for one hour of hearing, for a total of \$1,185. This \$1,185 would then be divided among the parties. Assuming the Commission would split the fees equally between the two parties, the cost would be \$592.50 per party (municipal electric utilities). The rule was last updated in 1991. Further, assuming the Commission waited another ten years to update the proposed rule and taking into account that thirteen municipalities were parties to these cases in twelve years—averaging approximately one party per year—then over the next ten years ten municipalities would incur \$592.50 for an aggregate cost of 5,925.00.

The fees charged will likely increase because they are now tied to the Consumer Price Index under the proposed rule amendment. Following the increasing trend in the Index, the estimated cost of compliance per party increases by nearly 2.8% per year, which increases the total cost to approximately \$6,800 for municipal electric utilities over the life of the rule.

IV. ASSUMPTIONS

The Missouri Public Service Commission keeps records of entities coming before the Commission for approval of territorial agreements and annexations. There have been 35 cases requesting approval of a territorial agreement or disputes involving an annexation brought before the Commission since 1989. One of these cases had more than two parties to the case. None of the cases had more than one municipal electric utility as a party. Thirteen of the thirty-five cases in the past twelve years involved a municipal electric utility. Currently, there are eighty-nine (89) municipal electric utilities operating in the state of Missouri.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4-DEPARTMENT OF ECONOMIC DEVELOPMENT

Division: 240-Public Service Commission

Chapter: 21-Electric Service Territorial Agreements

Type of Rulemaking: proposed amendment

Rule Number and Name: 4 CSR 240-21.010 Schedule of Fees

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
6	Electric Utility Companies	\$14,750.00
25	Electric Utility Cooperatives	\$17,000.00

III. WORKSHEET

If the average hearing lasts approximately one hour, and by rule the parties cannot be charged for less than one hour, the cost would be: \$500 initial filing fee, plus \$685 for one hour of hearing, for a total of \$1,185. This \$1,185 would then be divided among the parties. Assuming the Commission would split the fees equally between the two parties, the cost would be \$592.50 per party (regulated electric utility companies). The rule was last updated in 1991. Further, assuming that the Commission waited another ten years to update the proposed rule, and that six (6) electric utility companies were parties to these cases twenty-six (26) times in the past twelve years—averaging 2.17 a year—then over the next ten years, twenty-one (21) times an electric utility company would incur \$592.50. This results in an aggregate cost of \$12,442.50 over the life of the rule for an electric utility. Using the same analysis, with thirty (30) cases involving electric cooperatives in the past twelve years (with one case involving two cooperatives)—an average of approximately 2.5 a year—then over the next ten years, twenty-five (25) electric cooperatives would incur \$592.50. This results in an aggregate cost of \$14,812.50.

The fees charged will likely increase because they are now tied to the Consumer Price Index under the proposed rule amendment. Following the increasing trend in the index, the estimated cost of compliance per party increases by nearly 2.8% per year, which increases the total cost to approximately \$14,750 for companies and \$17,000 for cooperatives over the life of the rule.

IV. ASSUMPTIONS

The Missouri Public Service Commission keeps records of entities coming before the Commission for approval of territorial agreements and annexations. There have been 35 cases requesting approval of a territorial agreement or disputes involving an annexation brought before the Commission since 1989. One of these cases had two cooperatives as parties to the case. None of the cases had more than one electric utility company as a party. Twenty-five of the thirty-five cases in the past twelve years involved an electric utility company while thirty of the cases involved electric utility cooperatives. Currently, there are six (6) regulated electric utility companies operating in the state of Missouri and forty (40) electric cooperatives.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 51—Water Service Territorial Agreements**

PROPOSED AMENDMENT

4 CSR 240-51.010 Schedule of Fees. The commission is amending the Purpose and sections (1)–(4) and adding section (5).

PURPOSE: The proposed amendment to the rule increases the fees for filing and resolution of territorial agreements and territorial disputes.

PURPOSE: This rule establishes a schedule of fees for commission review of proposed territorial agreements and petitions for commission designation of water service areas between water service providers.

(1) *[An] Commission review of an application for [commission review of] a proposed territorial agreement or a petition for commission designation of water service areas between water service providers shall be accompanied by an initial filing fee [for staff review of the agreements] in the amount of [four] five hundred dollars [(\$400)] (\$500).*

(2) In addition to the filing fee, the fee for commission review of an application for approval of a proposed territorial agreement between water service providers or a review of a petition for commission designation of water service areas is set at *[one hundred dollars (\$100)] six hundred eighty-five dollars (\$685)* per hour of hearing time, subject to a minimum charge for hearing time of *[one hundred dollars (\$100)] six hundred eighty-five dollars (\$685)*. There is an additional charge of three dollars and fifty cents (\$3.50) per page of transcript. These fees are in addition to the fees authorized by section 386.300, RSMo.

(3) The *[applicants] parties* shall be responsible for payment of any *[remaining] unpaid* fees on and after the effective date of the commission's report and order relating to the water territorial agreement or designation of water service area. The executive *[secretary] director* shall send an itemized billing statement to the applicants on or after the effective date of the commission's report and order. *[All fees under this rule shall be prorated among the applicants in a manner such that each applicant shall be responsible for the payment of an equal dollar amount.] Responsibility for payment of the fees shall be that of the parties to the proceeding as ordered by the commission in each case.*

(4) An application for commission review of proposed amendment(s) to an existing territorial agreement between water service providers shall not be subject to the fee of *[four hundred dollars] five hundred dollars [(\$400)] (\$500)* specified in section (1) of this rule. However, the applicants shall be responsible for the payment of a fee which reflects necessary hearing time (including the minimum hearing time charge) and the transcript costs as specified in section (2) of this rule.

(5) **On July 1 of each year, the filing fee and the fee per hour of evidentiary hearing time will be modified to match any percentage change in the Consumer Price Index for the twelve (12)-month period ending December 31 of the preceding year.**

AUTHORITY: section 247.172, RSMo [Supp. 1991] 2000. Original rule filed July 16, 1993, effective Jan. 31, 1994. Amended: Filed June 1, 2001.

PUBLIC COST: This proposed amendment will cost municipally owned water utilities approximately \$3,350 in the aggregate and will cost public water supply districts approximately \$3,350. This amount assumes a ten-year life of the rule, and an increasing consumer price index yearly average. A detailed fiscal note, which estimates the cost of compliance with the rule, has been filed with the secretary of state.

PRIVATE COST: The cost of this proposed amendment to water utility companies is unknown as there has not yet been a water utility company as a party to a territorial agreement or annexation case before the commission and it is unknown whether they will be in the future. If a water utility company were to be a party to a case in the future they would then be affected by the proposed rule amendment and the effect would likely be over \$500. A detailed fiscal note, which estimates the cost of compliance with the rule, has been filed with the secretary of state.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. Comments should refer to Case No. WX-2001-451, and be filed with an original and nine copies. A public hearing is scheduled for August 7, 2001, at 11:00 a.m., Room 305 in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.*

**FISCAL NOTE
PUBLIC ENTITY COST****I. RULE NUMBER**

Title: 4-DEPARTMENT OF ECONOMIC DEVELOPMENT

Division: 240-Public Service Commission

Chapter: 51-Water Service Territorial Agreements

Type of Rulemaking: proposed amendment

Rule Number and Name: 4 CSR 240-51.010 Schedule of Fees

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Public Water Supply Districts	\$3,350.00
Municipally Owned Water Utilities	\$3,350.00

III. WORKSHEET

If the average hearing lasts approximately one hour, and by rule the parties cannot be charged for less than one hour, the cost would be: \$500 initial filing fee, plus \$685 for one hour of hearing, for a total of \$1,185. This \$1,185 would then be divided among the parties. Assuming the Commission would split the fees equally between the two parties, the cost would be \$592.50 per party (municipal water utility or the public water supply district). The rule was last updated in 1993. Further, assuming the Commission waits another ten years to update the proposed rule, and that five municipal water utilities and/or public water supply districts were parties to these cases in ten years—averaging approximately one every two years—then over the next ten years, five municipalities would incur \$592.50. This results in an aggregate cost to each class of \$2,962.50 over the life of the rule.

The fees charged will likely increase because they are now tied to the Consumer Price Index under the proposed rule amendment. Following the increasing trend in the Index, the estimated cost of compliance per party increases by nearly 2.8% per year, which increases the total cost to approximately \$3,350 for both public water supply districts and municipally owned water utilities over the life of the rule.

IV. ASSUMPTIONS

The Missouri Public Service Commission keeps records of entities coming before the Commission for approval of territorial agreements and annexations. There have been 5 cases requesting approval of a territorial agreement brought before the Commission since 1991. Each of the five cases involved one Public Water Supply District and one Municipally Owned Water Utility. Currently, there are approximately two hundred and forty two (242) Public Water Supply Districts and five hundred and seventy four (574) Municipally Owned Water Utilities operating in the state of Missouri.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4-DEPARTMENT OF ECONOMIC DEVELOPMENT

Division: 240-Public Service Commission

Chapter: 51-Water Service Territorial Agreements

Type of Rulemaking: proposed amendment

Rule Number and Name: 4 CSR 240-51.010 Schedule of Fees

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
0	Water Utility Companies	Unknown

III. WORKSHEET

IV. ASSUMPTIONS

The Missouri Public Service Commission keeps records of entities coming before the Commission for approval of territorial agreements and annexations. There have been five (5) cases requesting approval of a territorial agreement brought before the Commission since 1991. None of the five cases involved a water utility company. Currently, there are approximately seventy (70) water utility companies operating in the state of Missouri. It is unknown how often a particular water utility company would be a party to a territorial agreement, if ever. Also, it is unknown how many utilities would be party to any case and it is unknown how the Commission would distribute the fees for initial filing and evidentiary hearing costs. If a water utility company were to be a party to a case in the future they would then be affected by the proposed rule amendment and the effect would likely be over \$500, but as there has not yet been a water utility company as a party to a territorial agreement or annexation case before the Commission, the cost to these companies over the life of the rule is unknown.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION*[Division 30—Division of School Services]**Division 50—Division of [Instruction] School Improvement***Chapter 345—Missouri School Improvement Program****PROPOSED AMENDMENT**

5 CSR [30] 50-345.020 Policies on Waiver of Regulations. The State Board of Education is proposing to amend the rule number, purpose and sections (1), (3), (4), (5) and (6).

PURPOSE: This rule is being amended to make the language consistent with the amended Missouri School Improvement Program Standards and Indicators and to make other changes for clarification. Also, due to the reorganization of the department, this rule has been reassigned.

PURPOSE: This rule establishes the criteria and procedures for annually identifying school district and/or school building eligibility for waivers in compliance with sections 161.210, 163.031.5(3), 160.545 and 160.518, RSMo. The student performance data will be reviewed, and the commissioner will notify districts if they are eligible for a waiver. Districts may respond to this notification by either accepting or rejecting such waiver. This rule contains four (4) types of department-wide waivers of regulations which may be granted to school districts. Regulations identified in the Missouri School Improvement Program (MSIP) Waiver Plan will be waived in each of the four (4) categories of waivers; however, the criteria for qualifying varies with each waiver. In all cases, the performance indicators will be evaluated on data in the same manner as in regular MSIP reviews. [(i.e., data from 1999-2000 would be used as the most current for districts being reviewed in 2000-2001.)]

(1) Missouri School Improvement Program (MSIP) On-Site Review.

(A) Districts will qualify for a waiver of the next scheduled MSIP review if they meet the following:

1. The district has appropriately tested two percent (2%) or fewer of its students on the Missouri Assessment Program Alternate (MAP-A) in each grade tested with the Missouri Assessment Program (MAP) as certified by the Division of Special Education by October 15;

*[1.] 2. The district, based upon department generated Annual Performance Reports (APR), meets the performance indicators at the accredited level (including at least two (2) of the measurements in Standard [16.1] 9.1.1 and at least three (3) of the measurements in Standard [16.3] 9.4 for K-12 districts; or for K-8 districts, [four (4) of five (5)] five (5) of six (6) performance measurements[,] including two (2) from [16.1] 9.1.1 and [two (2)] three (3) from [16.2 and 17.1*3] 9.2, 10.1, and 11.1 combined and having no dropouts) for three (3) of the last four (4) years, including the last year's APR, based upon the annual Performance Scoring Guide. (In order for districts to have adequate time to prepare for the MSIP review, the decision on eligibility for waivers must be made by December of the second preceding year; therefore, the determination would be based upon the calls made during their last review and the succeeding three (3) APRs);*

[2.] 3. Districts having twenty (20) or more students in any identified [ethnic] racial minority must demonstrate improvement in the minority population's achievement which is equal to or greater than the achievement of the non-minority population on the [Missouri Assessment Program (MAP)] MAP. The following process will be used to judge this condition:

A. First, the three (3) MSIP grade spans will be examined to determine whether any grade span has twenty (20) or more students in any identified minority in each grade tested in that span for both the preceding and second preceding year;

B. Second, grade spans meeting the above condition will be examined to determine how many times the identified [ethnic] racial minority group equals or exceeds the improvement of the non-minority population on each test when comparing results from the second preceding to the preceding year *[on both the upper two (2) levels (Proficient and Advanced combined) and the bottom two (2) levels (Step I and Progressing combined)] using the MAP Performance Index (MPI) Approach or the Three Percent (3%) Improvement Approach* for each test in that grade span; and

C. Third, at least sixty-two percent (62%) positive comparisons between the two (2) groups are required to be acceptable;

[3.] 4. The district agrees to administer the MSIP Advance Questionnaire; and

[4.] 5. The district completes an annual MSIP Waiver Plan which confirms the district's adherence to the specific laws and rules referred to in the checklist.

[(C) If the district meets the performance indicators at a level that would qualify for "Distinction" the year of their scheduled review, DESE will conduct a desk audit of the Resource Report. If the district meets all of the resource standards, a team will conduct an on-site visit which will focus on the district's documentation of its compliance with the items on the Waiver Plan.]

[(D)] (C) The MSIP waiver is an annual waiver and may be renewed for five (5) consecutive years if—

1. The district continues to meet the "Accredited" level on the performance indicators;

2. The district [C]complies with all the items on the MSIP Waiver Plan; and

3. The district [V]verifies that it has reviewed its Comprehensive School Improvement Plan (CSIP) and submits any revisions to DESE.

[(E)] (D) If a district fails to meet the above criteria in subsection (1)(C), the district will be notified [by December 1] that a review is scheduled for the [following] year following the next full school year [(i.e. If, based upon 1999–2000 data, a district is no longer qualified for an MSIP waiver, DESE will notify the district by December 1, 2000, that it is now scheduled for an MSIP review during the 2001-2002 school year)]. No other waiver can be used during that time period.

(3) A+ High School.

(A) The designation as an A+ high school is granted for one (1) year in compliance with the A+ rule and section 160.545, RSMo. A high school will qualify for a waiver of the MSIP On-Site Review if—

1. The school has appropriately tested two percent (2%) or fewer of its students on the MAP-A in each grade tested with the MAP as certified by the Division of Special Education by October 15;

[1. It] 2. The school is currently designated as A+;

[2. Agrees] 3. The school agrees to administer the MSIP Advance Questionnaire; and

[3. Completes] 4. The school completes an annual A+ Waiver Plan which confirms the district's adherence to the specific laws and rules referred to in that plan.

(4) Exemplary School.

(A) A school building that meets the following student performance criteria will be designated as Exemplary in compliance with section 160.518, RSMo, and will be granted waivers when the school meets the following:

1. The school has appropriately tested two percent (2%) or fewer of its students on the MAP-A in each grade tested with the MAP as certified by the Division of Special Education by October 15;

[1.] 2. The school [has at least fifty percent (50%) of its students in the Proficient and Advanced levels, combined, on the MAP and Reading Performance Indicators and has no more than twenty percent (20%) of its students in the Step 1 and Progressing levels of the MAP, combined] met “High” using the MSIP Scoring Guidelines on the MPI Approach or Three Percent (3%) Improvement Approach;

[2.] 3. Schools having twenty (20) or more students in any identified [ethnic] racial minority must demonstrate improvement in the minority population’s achievement which is equal to or greater than the achievement of the non-minority population on the MAP. The following process will be used to judge this condition:

A. First, the three (3) MSIP grade spans will be examined to determine whether any grade span has twenty (20) or more students in any identified minority in each grade tested in that span for both the preceding and second preceding year;

B. Second, grade spans meeting the above condition will be examined to determine how many times the identified [ethnic] racial minority group equals or exceeds the improvement of the non-minority population on each test when comparing results from the second preceding to the preceding year [on both the upper two (2) levels (Proficient and Advanced combined) and the bottom two (2) levels (Step 1 and Progressing combined)] using the MPI Approach or the Three Percent (3%) Improvement Approach for each test in that grade span; and

C. Third, at least sixty-two percent (62%) positive comparisons between the two (2) groups are required to be acceptable;

[3.] 4. The school meets all other MSIP Performance Indicators;

[4.] 5. The school completes an annual MSIP Waiver Plan which confirms the district’s adherence to the specific laws and rules referred to in the plan for all buildings within the district; and

[5.] 6. The school agrees to administer the MSIP Advance Questionnaire.

(B) The building’s exemplary designation will be valid until June 30 of the year in which the building is determined to not meet items in paragraphs (4)(A)1.-[4.] 5.

(5) Application. A district which meets the performance criteria for any of the four (4) waivers will be so notified by the commissioner. The district must either accept or decline the waiver [by December 1] within four (4) weeks after notification of the second preceding year prior to the year the district is scheduled for an MSIP review except that a district qualifying for an A+ waiver must accept or decline the waiver by October 1 of the year of the scheduled MSIP review [(i.e. a waiver application for a scheduled 2001–2002 MSIP review must be filed by December 1, 1999)].

(6) Missouri School Improvement Program Waiver Plan.

(A) School districts which meet certain student performance expectations may qualify for certain waivers related to the MSIP. The plan which is outlined below identifies the areas of MSIP which are eligible to be waived for qualifying districts.

1. All MSIP Resource Standards and Indicators will be waived except the following:

A. The state high school graduation requirements (MSIP 1.3);

B. Regular instruction in *United States* and *Missouri Constitutions*, as well as *American History and Institutions*, must be provided, and all students must pass at least a half unit of credit course in the institutions, branches, and functions of federal, state and local governments and in the electoral process, as required by section 170.011, RSMo (MSIP 1.3); and

C. All administrators and teachers must be certificated to teach in Missouri schools. “Appropriately certificated for their assignments” is waived under this provision, unless funding sources require specific certification[.] (MSIP 5.1).

2. All MSIP Process Standards and Indicators will be waived except the following:

A. Districts must have cross-referenced all curricular areas to the Show-Me Standards (MSIP [6.1A] 6.1.1);

B. The district reports dropouts from school to the Missouri Literacy Hot Line (MSIP [8.1] 8.3.5);

C. The district meets state and federal requirements for special education for students with disabilities, economically disadvantaged students, migratory children, students whose native or home language is other than English and homeless youth (MSIP [8.1B, C, D, E, F] 6.3.6 and 7.1);

D. The district complies with all the regulations of the state and federal categorical programs in which the district participates (MSIP [8.3 and 8.7] 7.3 and 7.7);

E. The district distributes a student code of conduct and provides a protected, orderly environment (MSIP [9.1C] 6.6.1);

F. Professional development programs and services are provided as required by sections 168.400 and 160.530, RSMo (MSIP [12.1A] 6.7);

G. Board of [E]ducation members must be trained as prescribed by section 162.203, RSMo (MSIP [13.2B] 8.3.4);

H. The district complies with the salary compliance requirements of section 165.016, RSMo and with the minimum salary requirements as defined in section 163.172, RSMo[.] (MSIP [13.2.B, 13.3C] 8.4.3). Does not apply to “hold harmless” districts;

I. The [district implements effective and efficient fiscal management systems that ensure accountability of district funds,] community, through the board of education, provides sufficient financial resources and the district is not identified as a “financially stressed district” (MSIP [13.4A, B] 8.5);

J. The district annually reviews its Comprehensive School Improvement Plan and updates it if necessary (MSIP [13.1C] 8.2);

K. The district provides a safe physical environment for students (MSIP [14.2] 8.10);

L. The district implements effective and efficient fiscal management systems that ensure accountability of district funds (MSIP [13.4A, B] 8.6);

M. Cumulative health records, including immunizations as required by state law, are maintained and regularly updated for all students (MSIP [15.1] 8.11); and

N. The district complies with all laws related to the transportation of students (MSIP [15.3] 8.13).

3. No MSIP Performance Standards will be waived.

AUTHORITY: sections 160.518, [and] 160.545, [RSMo 1994, and] 161.092, 161.210 and 163.031.5(3), RSMo [Supp. 1998.] 2000. Original rule filed Sept. 30, 1999, effective March 30, 2000. Amended: Filed May 25, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Carl Sitze, Director, School Improvement and Accreditation, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 5—Administration
Chapter 1—Adaptive Telephone Equipment Program**

PROPOSED RESCISSION

8 CSR 5-1.010 Adaptive Telephone Equipment Program. This rule established the standards and procedures for the provision of state-funded adaptive telephone equipment to eligible subscribers. This rule implemented sections 209.251, RSMo through 209.259, RSMo.

PURPOSE: This rule is being rescinded because sections 209.251, RSMo through 209.259, RSMo have been amended. The current statewide equipment distribution program is expanded and program eligibility requirements are changed. The administration of the program was transferred to the Missouri Assistive Technology Advisory Council which has authority to promulgate rules necessary to implement and administer the program.

AUTHORITY: section 286.060, RSMo Supp. 1998. Emergency rule filed Jan. 28, 1999, effective March 1, 1999, expired Aug. 28, 1999. Original rule filed Jan. 28, 1999, effective July 30, 1999. Rescinded: Filed May 24, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Labor and Industrial Relations, Attn: Robert A. Crouch, Jr. PO Box 59, Jefferson City, MO 65104-0059. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions,
Sampling and Reference Methods and Air Pollution
Control Regulations for the Entire State of Missouri**

PROPOSED AMENDMENT

10 CSR 10-6.110 Submission of Emission Data, Emission Fees and Process Information. The commission proposes to amend subsection (5)(A). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan.

PURPOSE: This amendment will establish emission fees for Missouri facilities as required annually. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is section 643.079 of the Missouri state statutes.

(5) Emission Fees.

(A) Any air contaminant source required to obtain a permit under sections 643.010–643.190, RSMo, except sources that produce charcoal from wood, shall pay an annual emission fee, regardless of their EIQ reporting frequency, of *[twenty-five dollars and seventy cents (\$25.70)]* **twenty-eight dollars (\$28)** per ton of regulated air pollutant emitted during calendar year *[2000]* **2001** in accordance with the conditions specified in sub-

section (5)(B) of this rule. Sources which are required to file reports once every five (5) years may use the information in their most recent EIQ to determine their annual emission fee.

AUTHORITY: section 643.050, RSMo [Supp. 1999] **2000**. Original rule filed June 13, 1984, effective Nov. 12, 1984. Amended: Filed April 2, 1987, effective Aug. 27, 1987. Amended: Filed May 14, 1993, effective Jan. 31, 1994. Amended: Filed Sept. 2, 1993, effective May 9, 1994. Amended: Filed May 15, 1995, effective Dec. 30, 1995. Amended: Filed May 15, 1997, effective Dec. 30, 1997. Amended: Filed May 12, 1998, effective Dec. 30, 1998. Amended: Filed May 14, 1999, effective Dec. 30, 1999. Amended: Filed April 6, 2000, effective Nov. 30, 2000. Amended: Filed June 1, 2001.

PUBLIC COST: This proposed amendment will cost \$7,248,259 in FY 2002 and \$12,101,977 in FY 2003. For the years after FY 2003, the total annualized aggregate cost is \$12,101,977 for the life of the rule. The public entity costs are not substantially more than previous cost projections and are provided as background for current cost projections. Note attached fiscal note for assumptions that apply.

PRIVATE COST: This proposed amendment will have a total annualized aggregate cost of \$21,351,435 for the life of the rule. Note attached fiscal note for assumptions that apply.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., August 3, 2001. The public hearing will be held at the Governor Office Building, Ballroom #450, 200 Madison Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., August 10, 2001. Written comments shall be sent to Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 10 - Department of Natural Resources

Division: 10 - Air Conservation Commission

Chapter: 6 - Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 10 CSR 10 - 6.110 Submission of Emission Data, Emission Fees and Process Information

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Natural Resources /Air Pollution Control Program	\$ 9,458,436
Misc. Public Entities (listed below)	\$ 2,643,541
Totals	\$12,101,977

*Cost estimates are reported as annualized aggregates.

III. WORKSHEET

Missouri Department of Natural Resources /Air Pollution Control Program (APCP) Costs

APCP Costs	FY2002**	FY2003	Annualized Aggregate
Salaries	\$ 1,855,783	\$ 3,827,084	\$ 3,827,084
Fringe Benefits	\$ 631,253	\$ 1,301,755	\$ 1,301,755
Operating Expenses	\$ 683,835	\$ 1,368,623	\$ 1,368,623
Grants to Local Air Agencies	\$ 976,000	\$ 2,002,000	\$ 2,002,000
Refunds	\$ 13,116	\$ 26,232	\$ 26,232
Department Overhead	\$ 455,327	\$ 932,742	\$ 932,742
Totals	\$ 4,615,314	\$ 9,458,436	\$ 9,458,436
Local Air Agencies (Kansas City, Springfield, St. Louis City, St. Louis County) Costs			
Salaries, fringes, operating, and overhead	\$ 976,000	\$ 2,002,000	\$ 2,002,000
Less Grant from MDNR	(\$ 976,000)	(\$ 2,002,000)	(\$ 2,002,000)
Totals	\$ 0	\$ 0	\$ 0

**See Assumption #1 on page 2 of this Fiscal Note.

Public Entity Costs

Source Description	Number of Facilities
Gas & Electric	44
Sanitary Services	30
Hospitals	25
Rehabilitation Centers	3
Schools	10
Correctional Facility	2
National Security	5

Post Office	2
Transportation	3
Other	5
Totals	129

Public Entity Costs	FY 2002	FY 2003	Annualized Aggregate
EIQ Fees	\$1,059,680	\$1,070,276	\$1,070,276
EIQ Preparation	\$ 124,582	\$ 124,582	\$ 124,582
Compliance Costs	\$1,448,683	\$1,448,683	\$1,448,683
Total Costs	\$2,632,945	\$2,643,541	\$2,643,541

Costs	FY2002	FY2003	Annualized Aggregate
Departmental Costs	\$ 4,615,314	\$ 9,458,436	\$ 9,458,436
Public Entity Costs	\$ 2,632,945	\$ 2,643,541	\$ 2,643,541
Total Costs	\$ 7,248,259	\$12,101,977	\$12,101,977

IV. ASSUMPTIONS

1. Public entity costs are for the entire rule rather than just the amendment. The public entity costs are provided for informational purposes and to provide fee collection estimates. The costs are based on the most recent data available to the department and are expected to be more accurate than previous fiscal notes for the same fiscal years.
2. All emission fees are assumed to be submitted during the last six (6) months of FY2002 (January 1, 2002-June 30, 2002). Department costs for FY2002 are for the last six (6) months of FY2002 (January 1, 2002-June 30, 2002).
3. The cost to the facility of filling out the EIQ is held constant at the 1999 value of \$124,582 assuming that the cost of EIQ preparation occurs in the last half of FY 2002 (January 1, 2002-June 30, 2002).
4. Cost and affected entity estimates are based on data presently entered in the tracking systems of the Air Pollution Control Program. This data is subject to change as additional information is reviewed, updated, and entered. Fees for public entities are based on a proposed \$28.00 per ton of regulated air pollutant.
5. The emission fees paid by public entities may vary depending on their current information and their chargeable emissions with fees remaining relatively constant. However, new controls decrease the amount of their emission fees.
6. The Phase I utility boilers began paying emission fees for emissions in the last six (6) months of Fiscal Year 2001 (January 1, 2001-June 30, 2001) for emissions in calendar year 2000. Thus an increase in emission fees will occur during this time. This increase will be approximately 30% or \$1.8 million statewide (public and private).
7. State projections are based on the most current information regarding budget-appropriation levels. Increases or decreases in appropriations result from additions or deletions to the budget. Variations in operating expenses occur as a result of program budget decreases or increases by the legislature.
8. The costs to prepare EIQ forms and for compliance are taken from information provided by facilities.
9. The EIQ fees are assumed to increase by 1% from FY2002 to FY2003.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 10 - Department of Natural Resources

Division: 10 - Air Conservation Commission

Chapter: 6 - Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 10 CSR 10 - 6.110 Submission of Emission Data, Emission Fees and Process Information

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2,302 Facilities (listed below)	Listed below	\$21,351,435

*Cost estimates are reported as annualized aggregates.

III. WORKSHEET

SIC Code	SIC Description	Number of Facilities
01	AGRICULTURAL PRODUCTION CROPS	0
02	AGRICULTURAL PRODUCTION LIVESTOCK AND ANIMAL SPECIALTIES	1
07	AGRICULTURAL SERVICES	57
10	METAL MINING	8
12	COAL MINING	5
14	MINING AND QUARRYING OF NONMETALLIC MINERALS, EXCEPT FUELS	206
15	BUILDING CONSTRUCTION GENERAL CONTRACTORS AND OPERATIVE	1
16	HEAVY CONSTRUCTION OTHER THAN BUILDING CONSTRUCTION	0
17	CONSTRUCTION SPECIAL TRADE CONTRACTORS	2
20	FOOD AND KINDRED PRODUCTS	110
21	TOBACCO PRODUCTS	0
22	TEXTILE MILL PRODUCTS	2
23	APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS	0

SIC Code	SIC Description	Number of Facilities
24	LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE	54
25	FURNITURE AND FIXTURES	24
26	PAPER AND ALLIED PRODUCTS	24
27	PRINTING, PUBLISHING, AND ALLIED INDUSTRIES	66
28	CHEMICALS, BRIQUETS, PAINTS	146
29	PETROLEUM REFINING AND RELATED INDUSTRIES	157
30	RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS	57
31	LEATHER AND LEATHER PRODUCTS	10
32	STONE, CLAY, GLASS, AND CONCRETE PRODUCTS	205
33	PRIMARY METAL INDUSTRIES	43
34	FABRICATED METAL PRODUCTS, EXCEPT MACHINERY AND TRANSPORTATION	87
35	INDUSTRIAL AND COMMERCIAL MACHINERY AND COMPUTER EQUIPMENT	40
36	ELECTRONIC AND OTHER ELECTRICAL EQUIPMENT AND COMPONENTS	38
37	TRANSPORTATION EQUIPMENT	45
38	MEASURING, ANALYZING, AND CONTROLLING INSTRUMENTS	5
39	MISCELLANEOUS MANUFACTURING INDUSTRIES	11
40	RAILROAD TRANSPORTATION	1
41	LOCAL AND SUBURBAN TRANSIT AND INTERURBAN HIGHWAY PASSENGER	1
42	MOTOR FREIGHT TRANSPORTATION AND WAREHOUSING	25
44	WATER TRANSPORTATION	3
45	TRANSPORTATION BY AIR	7
46	PIPELINES, EXCEPT NATURAL GAS	21
47	TRANSPORTATION SERVICES	2
48	COMMUNICATIONS	0
49	ELECTRIC, GAS, SANITARY SERVICES, AND LANDFILLS	124

SIC Code	SIC Description	Number of Facilities
50	WHOLESALE TRADE-DURABLE GOODS	13
51	WHOLESALE TRADE-NON-DURABLE GOODS	130
52	LUMBER/HARDWARE	1
54	FOOD STORES	13
55	AUTOMOTIVE DEALERS AND GASOLINE SERVICE STATIONS	2
57	HOME FURNITURE, FURNISHINGS, AND EQUIPMENT STORES	0
59	MISCELLANEOUS RETAIL	1
60	BANK	1
63	INSURANCE CARRIERS	0
65	REAL ESTATE	1
70	HOTELS, ROOMING HOUSES, CAMPS, AND OTHER LODGING PLACES	1
72	PERSONAL SERVICES AND DRY CLEANERS	453
73	BUSINESS SERVICES	2
75	AUTOMOTIVE REPAIR, SERVICES, AND PARKING	5
76	MISCELLANEOUS REPAIR SERVICES	1
80	HEALTH SERVICES	66
82	EDUCATIONAL SERVICES	11
84	MUSEUMS, ART GALLERIES, AND BOTANICAL AND ZOOLOGICAL GARDENS	2
87	ENGINEERING, ACCOUNTING, RESEARCH, MANAGEMENT, AND RELATED	2
91	EXECUTIVE, LEGISLATIVE, AND GENERAL GOVERNMENT, EXCEPT FINANCE	4
92	CORRECTIONS	1
95	ADMINISTRATION OF ENVIRONMENTAL QUALITY AND HOUSING PROGRAMS	1
97	MILITARY	3

Private Entity Costs	FY2002	FY2003	Annualized Aggregate
EQ Fees	\$ 6,394,875	\$ 6,458,824	\$ 6,458,824
EQ Preparation	\$ 2,160,418	\$ 2,160,418	\$ 2,160,418
Compliance Costs	\$12,732,193	\$12,732,193	\$12,732,193
Total Costs	\$21,287,486	\$21,351,435	\$21,351,435

IV. ASSUMPTIONS

1. Private entity costs are for the entire rule rather than just the amendment. Private entity costs for this amendment exceed the previous amendment fiscal note since the emissions fee is proposed to increase from \$25.70 per ton of regulated air pollutant to \$28.00 per ton of regulated air pollutant. The costs in this fiscal note are to provide information and to provide fee collection estimates. The costs are based on the most recent data available to the department and are expected to be more accurate than previous fiscal notes for the same fiscal years.
2. All emission fees are assumed to be submitted during the last six (6) months of FY2002 (January 1, 2002-June 30, 2002).
3. The cost to the facility of filling out the EIQ is held constant at the 1999 value of \$2,160,418 assuming that the cost of EIQ preparation occurs in the last half of FY 2002 (January 1, 2002-June 30, 2002).
4. Cost and effected entity estimates are based on data presently entered in the tracking systems of the Air Pollution Control Program. This data is subject to change as additional information is continuously entered and as data is reviewed. Fees for private entities are based on a proposed \$28.00 per ton of regulated air pollutant.
5. The emission fees paid by private entities may vary depending on their current information and their chargeable emissions with fees remaining relatively constant. However, new controls decrease the amount of their emission fees.
6. The Phase I utility boilers began paying emission fees for emissions in the last six (6) months of fiscal year 2001 (January 1, 2001-June 30, 2001) for emissions in calendar year 2000. Thus an increase in emission fees will occur during this time. This increase will be approximately 30% or \$1.8 million statewide (public and private).
7. The costs to prepare EIQ forms and for compliance are taken from information provided by facilities.
8. The EIQ fees are assumed to increase by 1% from FY2002 to FY2003.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

PROPOSED RULE

12 CSR 10-24.465 Disqualification of Commercial Motor Vehicle Operators Due to Railroad-Highway Grade Crossing Violations

PURPOSE: This rule establishes that commercial motor vehicle (CMV) drivers who are convicted of violating federal, state, or local laws pertaining to railroad-highway grade crossings be disqualified from operating a CMV. This rule is pursuant to the Department of Transportation's rules as published in the *Code of Federal Regulations* (49 CFR parts 383 and 384).

(1) A driver who is convicted of operating a commercial motor vehicle (CMV) in violation of a federal, state, or local law or regulation pertaining to one (1) of the following six (6) offenses at a railroad-highway grade crossing must be disqualified for the period of time specified in section (2) of this rule:

(A) Failing to slow down and check that the tracks are clear of an approaching train;

(B) Failing to stop before reaching the crossing, if the tracks are not clear;

(C) Failing to stop before driving onto the crossing;

(D) Failing to have sufficient space to drive completely through the crossing without stopping;

(E) Failing to obey a traffic control device or the directions of an enforcement official at the crossing; or

(F) Failing to negotiate a crossing because of insufficient under-carriage clearance.

(2) When convicted of a railroad crossing CMV violation, persons will be disqualified from operating a commercial motor vehicle as follows:

(A) First violation. A driver will be disqualified for sixty (60) days if the driver is convicted of a first railroad-highway grade crossing violation;

(B) Second violation. A driver will be disqualified for one hundred twenty (120) days if, during any three (3)-year period, the driver is convicted of a second railroad-highway grade crossing violation in separate incidents; or

(C) Third or subsequent violation. A driver will be disqualified for one (1) year if, during any three (3)-year period, the driver is convicted of a third or subsequent railroad-highway grade crossing violation in separate incidents.

AUTHORITY: section 302.755, RSMo 2000. Original rule filed May 24, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program**

PROPOSED AMENDMENT

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA).
The division is amending section (8).

PURPOSE: The proposed amendment amends section (8). This amendment will lower the Federal Reimbursement Allowance (FRA) Assessment for SFY 2001 from 5.90% to 5.50%.

(8) Federal Reimbursement Allowance (FRA) for State Fiscal Year 2001. The FRA assessment for State Fiscal Year 2001 shall be determined at the rate of *[five and ninety hundredths percent (5.90%)]* **five and fifty hundredths percent (5.50%)** of the hospital's net operating revenues and other operating revenues defined in paragraphs (1)(A)12., and 13., as determined from information reported in the hospital's 1997 base year cost report. **The State Fiscal Year (SFY) 2001 FRA Assessment shall be used as an estimate of the SFY 2002 FRA Assessment until such time as the regulation establishing the SFY 2002 FRA Assessment is effective.**

AUTHORITY: sections 208.201, [and] 208.453 [, RSMo 1994] and 208.455, RSMo [Supp. 1999] 2000. Emergency rule filed Sept. 21, 1992, effective Oct. 1, 1992, expired Jan. 28, 1993. Emergency rule filed Jan. 15, 1993, effective Jan. 25, 1993, expired May 24, 1993. Original rule filed Sept. 21, 1992, effective June 7, 1993. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed June 8, 2001, effective June 18, 2001, expires Dec. 8, 2001. Amended: Filed June 8, 2001.

PUBLIC COST: This proposed amendment is estimated to cost state agencies or political subdivisions \$29,200,000 in SFY 01. A fiscal note containing details of estimated cost of compliance is published with this proposed amendment.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate for SFY 2001.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

FISCAL NOTE
PUBLIC ENTITY COST**I. RULE NUMBER**

Title: 13 -- Department of Social Services

Division: 70 -- Division of Medical Services

Chapter: 15 -- Hospital Program

Type of Rulemaking: Proposed Amendment

Rule Number and Name: CSR 70-15.110 Federal Reimbursement Allowance (FRA)

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services Division of Medical Services	State Fiscal Year 2001 - \$29,200,000

III. WORKSHEET

The estimated Annual Impact is based on the reduction in the FRA Assessment percentage from 5.90% to 5.50%. This .40% reduction in the FRA Assessment percentage will result in a reduced assessment of \$29,200,000.

IV. ASSUMPTIONS

The reduction in the FRA Assessment for SFY 2001 is based on net patient revenue and other operating revenue of \$7.3 billion multiplied by the .40% drop in FRA Assessment percentage.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings**

PROPOSED RESCISSION

15 CSR 30-55.010 Who May Request. This rule set out who might request hearings upon matters under the Missouri Uniform Securities Act.

PURPOSE: The commissioner of securities is proposing to rescind this rule and readopt a new rule that more clearly defines who may request hearings.

AUTHORITY: sections 409.413 and 409.836, RSMo 1986. Original rule filed June 25, 1968, effective Aug. 1, 1968. Amended: Filed May 21, 1969, effective Aug. 1, 1969. Amended: Filed July 21, 1972, effective Aug. 1, 1972. Amended: Filed Nov. 15, 1974, effective Nov. 25, 1974. Amended: Filed Aug. 11, 1978, effective Feb. 11, 1979. Amended: Filed Aug. 22, 1986, effective Jan. 30, 1987. Amended: Filed July 3, 1989, effective Sept. 28, 1989. Rescinded: Filed May 25, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings**

PROPOSED RULE

15 CSR 30-55.010 Who May Request

PURPOSE: This rule sets out who may request hearings upon matters under the Missouri Securities Act.

(1) Hearings Before Commissioner.

(A) Any person aggrieved by a summary postponement or suspension of a broker-dealer, agent, investment adviser, or investment adviser representative registration may request a hearing before the commissioner. Pursuant to section 409.412(a), RSMo the hearing shall be governed by Chapter 536, RSMo.

(B) Any person aggrieved by the denial, suspension or revocation of a securities registration, or the denial or revocation of exemptions from registration may request a hearing before the commissioner. Pursuant to section 409.412(a), RSMo the hearing shall be governed by Chapter 536, RSMo.

(C) Any person aggrieved by the denial, revocation, suspension, summary postponement or summary suspension of a commodity broker-dealer or sales representative registration under the Missouri Commodities Code, sections 409.800–409.863, RSMo may request a hearing before the commissioner. The hearing shall be governed by Chapter 536, RSMo.

(D) Any person aggrieved by an order issued by the commissioner pursuant to Chapter 409, RSMo, except those provided for

below, may request a hearing before the commissioner. The hearing shall be governed by Chapter 536, RSMo.

(2) Hearings Before the Administrative Hearing Commission.

(A) Any person aggrieved by denial of a broker-dealer, agent, investment adviser, or investment adviser representative registration by the commissioner may file a petition with the Administrative Hearing Commission in accordance with section 409.204(f), RSMo.

(B) In matters involving the revocation or suspension of the registration of broker-dealers, agents, investment advisers, or investment adviser representatives, the Securities Division shall initiate the matter by submitting to the commissioner a proposed complaint for filing before the Administrative Hearing Commission. The commissioner may then refer the matter to the Administrative Hearing Commission in accordance with section 409.204(f), RSMo.

AUTHORITY: sections 409.413 and 409.836, RSMo 2000. Original rule filed June 25, 1968, effective Aug. 1, 1968. Amended: Filed May 21, 1969, effective Aug. 1, 1969. Amended: Filed July 21, 1972, effective Aug. 1, 1972. Amended: Filed Nov. 15, 1974, effective Nov. 25, 1974. Amended: Filed Aug. 11, 1978, effective Feb. 11, 1979. Amended: Filed Aug. 22, 1986, effective Jan. 30, 1987. Amended: Filed July 3, 1989, effective Sept. 28, 1989. Rescinded and readopted: Filed May 25, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings**

PROPOSED RESCISSION

15 CSR 30-55.020 Instituting Hearing Before Commissioner.

This rule described the form and content of the request or order for hearing, time for filing, number of copies to be filed and how notice will be served.

PURPOSE: The commissioner of securities is proposing to rescind this rule and readopt a new rule that more clearly describes the form and content of the request or order for hearing, number of copies to be filed, and how notice will be served.

AUTHORITY: sections 409.413 and 409.836, RSMo 1986. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Amended: Filed Aug. 22, 1986, effective Jan. 30, 1987. Rescinded: Filed May 25, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings**

PROPOSED RULE

15 CSR 30-55.020 Instituting Hearing Before the Commissioner

PURPOSE: *This rule describes the form and content of the request for hearing, time for filing, number of copies to be filed, the order of hearing, and how notice will be served.*

(1) Request for Hearing. A request for hearing shall be filed with the commissioner by any party or interested person aggrieved by any order or refusal to make an order under this chapter. Any request for hearing shall contain:

- (A) A brief statement of the facts;
- (B) A summary of factual and legal issues involved;
- (C) A request for relief;
- (D) Suggestions in support of relief sought including relevant statutes;
- (E) The name of the party requesting the hearing; and
- (F) The name of attorney representing the party, if any.

(2) Time for Filing. Any person entitled to request a hearing in any matter within the jurisdiction of the commissioner must do so within the statutory time limits, if any, applicable in those cases. If there is no time limit, filing should be within a reasonable period of time not to exceed thirty (30) days from the date of receipt of any notice of action or refusal to take action by the commissioner.

(3) Number of Copies to be Filed. Three (3) copies of a request for hearing or other related material shall be filed with the commissioner. One (1) copy shall be served by mail on any other party to the matter.

(4) Hearing Order. The commissioner may order a hearing on any matter within his/her jurisdiction under Chapter 409, RSMo. The commissioner may immediately set the matter for hearing, and may also schedule a prehearing conference. The hearing must be set within fifteen (15) days of filing a request for hearing. Subject to more restrictive statutory limitations, a proceeding under the provisions of these rules shall be set for a date not more than ninety (90) days from the date of request. The hearing order shall contain:

- (A) Caption and number of the case;
- (B) Name of party filing;
- (C) Time, place and date of a prehearing conference;
- (D) Time, place and date of the hearing;
- (E) If a petition was submitted by the Securities Division and the request for hearing has raised a dispute of facts or any affirmative defenses, the date an answer must be filed; and
- (F) Citation to rules promulgated by the commissioner regarding hearings.

(5) Notice to Parties. All parties and, in the discretion of the commissioner, other interested persons shall be notified promptly by the commissioner upon the filing of a request for hearing or related material filed. The commissioner shall provide notice by serv-

ing copies of all documents filed including the request for hearing and the hearing order.

AUTHORITY: *sections 409.413 and 409.836, RSMo 2000. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Amended: Filed Aug. 22, 1986, effective Jan. 30, 1987. Rescinded and readopted: Filed May 25, 2001.*

PUBLIC COST: *This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

PRIVATE COST: *This proposed rule will not cost private entities more than \$500 in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings**

PROPOSED RULE

15 CSR 30-55.025 General Prehearing Procedures

PURPOSE: *This rule describes the general procedures for contested matters.*

(1) Rules of Procedure. The hearings before the commissioner and Administrative Hearing Commission are governed by Chapter 536, RSMo. The commissioner and Administrative Hearing Commission may also be guided by the Missouri Rules of Civil Procedure.

(2) Place of Filing. If the matter is to be heard by the commissioner, all pleadings shall be filed with the commissioner. If the matter is to be heard by the Administrative Hearing Commission, all pleadings must be filed with the commission. The party filing pleadings or documents shall serve by mail or facsimile copies of all filed pleadings or documents on all parties.

(3) Continuances. The commissioner shall grant written requests for continuances upon good cause shown. A hearing shall be held no later than ninety (90) days after the request for hearing unless a later date is agreed to by all parties to the matter, or justice requires a continuance, and the commissioner by order continues the hearing.

AUTHORITY: *sections 409.413 and 409.836, RSMo 2000. Original rule filed May 25, 2001.*

PUBLIC COST: *This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

PRIVATE COST: *This proposed rule will not cost private entities more than \$500 in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings**

PROPOSED RESCISSION

15 CSR 30-55.030 Answers and Supplementary Pleadings. This rule described the form and content of the answer and supplementary pleadings and how they should be filed.

PURPOSE: The commissioner of securities is proposing to rescind this rule and readopt a new rule that more clearly describes the form and content of the answer and supplementary pleadings and how they shall be filed.

AUTHORITY: section 409.413, RSMo 1986. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded: Filed May 25, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings**

PROPOSED RULE

15 CSR 30-55.030 Answers and Supplementary Pleadings

PURPOSE: This rule describes the form and content of the answer and supplementary pleadings and how they shall be filed.

(1) Answers.

(A) Matters Prosecuted by Securities Division Before the Commissioner. In any proceeding in which the Securities Division has filed a petition with the commissioner, a party challenging the factual basis for an order shall file an answer to allegations made by the Securities Division in its petition. The answer shall be filed within thirty (30) days of receipt of the hearing order, unless the commissioner orders additional time. All answers shall be in writing and should admit those portions of the petition which respondent believes are true and deny those portions of the petition which respondent believes are not true. The answer shall contain a short and concise statement of those facts, which the respondent believes are true and relevant to the issues raised in the complaint. The respondent or legal counsel must sign the answer.

(B) Matters Prosecuted by Others Before the Commissioner. In those cases where an applicant has filed a petition and the Securities Division files an answer, the answer shall set forth the factual and legal basis for the action of the commissioner. Unless the answer specifically pleads that petitioner has failed to comply with 15 CSR 30-55.020, objections for failure to comply will be deemed as waived by the Securities Division. Absent a showing that the division has complied with the law and these rules, no complaint of an applicant shall be dismissed without a hearing on the merits.

(C) Matters Prosecuted by the Securities Division before the Administrative Hearing Commission. In any proceeding that the commissioner has referred to the Administrative Hearing Commission, the respondent shall file an answer within thirty (30) days after respondent receives a copy of the complaint. However, the failure to file an answer within the time provided in this rule will not prevent the Administrative Hearing Commission from holding a prehearing conference or a hearing at the time and place specified in the notice. Neither will the failure to file an answer divest the commissioner or Administrative Hearing Commission of jurisdiction to render a decision in the case.

(D) Matters Prosecuted by Others Before the Administrative Hearing Commission. In those cases where an applicant has filed a petition and the commissioner files an answer, the answer shall set forth the factual and legal basis for the action of the commissioner.

(2) Amendments and Supplementary Pleadings.

(A) A petition may be modified or amended without leave of the commissioner or Administrative Hearing Commission at any time preceding the filing of an answer or other responsive pleading by the respondent. After respondent has filed his/her responsive pleading, leave must be granted to amend or modify any petition.

(B) Answers may be modified or amended without leave of the commissioner or Administrative Hearing Commission at any time up to five (5) days preceding the date on which the hearing in the case is actually held. After this time, all modifications or amendments to answers may be made only upon leave being granted by the commissioner or Administrative Hearing Commission.

(C) Any pleading, other than a complaint or an answer, may be filed in any case pending before the Administrative Hearing Commission.

AUTHORITY: section 409.413, RSMo 2000. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed May 25, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings**

PROPOSED RESCISSION

15 CSR 30-55.040 Notice of Hearing. This rule set out when notice of hearing would be given, the content of notice, time limits of the hearing notice and date and when continuances would be granted.

PURPOSE: The commissioner of securities is proposing to rescind this rule and readopt a new rule that simplifies the notice of hearing procedures.

AUTHORITY: section 409.413, RSMo 1986. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded: Filed May 25, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings

PROPOSED RULE

15 CSR 30-55.040 Notice of Hearing

PURPOSE: This rule sets out the timing and content of the notice of hearing.

(1) Immediately upon setting a hearing, the commissioner or Administrative Hearing Commission shall serve notice by mail on all parties to the matter. Service of notice shall be made by mailing a copy of the hearing order required by 15 CSR 30-55.020(4) to all parties. If a party cannot be reached at the last known address, notice shall be given by publication pursuant to Missouri Rule of Civil Procedure 54.17.

(2) The commissioner may serve notice of the hearing on any person the commissioner determines should have notice of the hearing.

(3) If there is a large group whose rights would be affected by the proceeding, notice will be given to a sufficient number of class members as the commissioner determines will give adequate notice to the class.

AUTHORITY: section 409.413, RSMo 2000. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed May 25, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings

PROPOSED RESCISSION

15 CSR 30-55.050 Prehearing Conferences. This rule described the setting and subject matter of the prehearing conference.

PURPOSE: The commissioner of securities is proposing to rescind this rule and readopt a new rule that more clearly describes the setting and subject matter of the prehearing conference.

AUTHORITY: section 409.413, RSMo 1986. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded: Filed May 25, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings

PROPOSED RULE

15 CSR 30-55.050 Prehearing Conferences

PURPOSE: This rule describes the setting and subject matter of the prehearing conference.

(1) Setting.

(A) In proceedings before the commissioner all prehearing conferences shall be held within thirty (30) days of the hearing order issued by the commissioner, unless continued by the commissioner for good cause.

(B) In proceedings before the Administrative Hearing Commission any party or legal counsel, may petition the Administrative Hearing Commission to hold a prehearing conference at a time prior to the setting of a conference by order of the commission.

(C) The legal counsel who will actually handle the hearing shall be present at all prehearing conferences, unless excused by the commissioner or Administrative Hearing Commission. Parties to an action may appear in person with counsel at a prehearing conference.

(2) Subject Matter.

(A) Legal counsel for all parties shall attend the prehearing conference and be prepared to discuss the following items:

1. The simplification of the issues;
2. The necessity or desirability of amendments to the pleadings;
3. The possibility of obtaining admission of fact and of documents which will avoid unnecessary proof;
4. The limitation of the number of expert and character witnesses;
5. A discovery schedule, if necessary for the orderly administration of the proceeding;
6. The manner and conditions upon which depositions can be taken;
7. Schedule for disposition of any prehearing motions that have been filed;
8. The anticipated length of the hearing and the time and location of conducting the hearing; and
9. Other matters as may aid in the disposition of the action.

AUTHORITY: section 409.413, RSMo 2000. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed May 25, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings**

PROPOSED RESCISSION

15 CSR 30-55.070 Record of Hearing. This rule stated what might be included in the record of the hearing.

PURPOSE: The commissioner of securities is proposing to rescind this rule and readopt a new rule that requires the suitable recording of all proceedings and more clearly describes the contents of the record.

AUTHORITY: section 409.413, RSMo 1986. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded: Filed May 25, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings**

PROPOSED RULE

15 CSR 30-55.070 Record of Hearing Before the Commissioner

PURPOSE: This rule states what shall be included in the record of the hearing.

(1) Pursuant to section 536.070, RSMo, the commissioner will cause all proceedings to be suitably recorded either electronically or by court reporter.

(2) Upon the request and at the expense of any party to the proceeding, the commissioner will cause the hearing to be tran-

scribed. Any other party may obtain a copy of the transcript upon payment of the costs of preparation.

(3) The record for judicial review will contain:

(A) If requested and paid for by the requesting party, the transcript of any proceedings;

(B) All petitions, answers, motions, discovery pleadings, and other materials or documents filed by any party with or subsequent to the request for hearing;

(C) All documents and exhibits submitted as evidence;

(D) All matters officially noticed;

(E) Formal questions and offers of proof, objections and rulings; and

(F) All written decisions and orders of the commissioner including his/her findings of fact, conclusions of law, and final order.

AUTHORITY: section 409.413, RSMo 2000. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed May 25, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings**

PROPOSED RESCISSION

15 CSR 30-55.080 Discovery. This rule told the manner in which depositions and interrogatories may be taken.

PURPOSE: The commissioner of securities is proposing to rescind this rule and readopt a new rule that more clearly outlines the procedures for, and provides time limits on, discovery.

AUTHORITY: section 409.413, RSMo 1986. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded: Filed May 25, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings**

PROPOSED RULE

15 CSR 30-55.080 Discovery

PURPOSE: This rule outlines procedures for, and permits time limits on, discovery.

(1) Discovery Schedule. The commissioner or the Administrative Hearing Commission may issue orders setting reasonable time limits for completion of discovery and may shorten or lengthen the time parties have to file answers to discovery requests.

(2) Interrogatories. Any party may serve upon any other party written interrogatories, upon and under the same conditions, as in civil actions in the circuit court pursuant to Missouri Rules of Civil Procedure, Rule 57, except as limited by section 536.073, RSMo.

(3) Depositions. Any party may take and use depositions in the same manner, upon and under the same conditions, as in civil actions in the circuit court pursuant to Missouri Rules of Civil Procedure, Rule 57, except as limited by section 536.073, RSMo.

(4) Requests for Production of Documents and Things. Any party may serve upon any other party a request for documents and things, upon and under the same conditions, as in civil actions in the circuit court pursuant to Missouri Rules of Civil Procedure, Rule 58, except as limited by section 536.073, RSMo.

(5) Admission of Facts and of Genuineness of Documents. Any party may serve upon any other party a written request for the admission of facts or of the genuineness of documents, upon and under the same conditions, as in civil actions in the circuit court pursuant to Missouri Rules of Civil Procedure, Rule 59, except as limited by section 536.073, RSMo.

(6) Enforcement of Discovery: Sanctions. The commissioner or the Administrative Hearing Commission may enforce discovery or sanction parties, upon and under the same conditions, as in civil actions in the circuit court pursuant to Missouri Rules of Civil Procedure, Rule 61, except as limited by section 536.073, RSMo.

AUTHORITY: section 409.413, RSMo 2000. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed May 25, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings**

PROPOSED RESCISSION

15 CSR 30-55.090 Procedure and Evidence. This rule stated the procedures and rules of evidence to be followed at the hearing.

PURPOSE: The commissioner of securities is proposing to rescind this rule and readopt a new rule that more clearly states the procedures and rules of evidence to be followed at the hearing.

AUTHORITY: section 409.413, RSMo 1986. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded: Filed May 25, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings**

PROPOSED RULE

15 CSR 30-55.090 Procedure at Hearing

PURPOSE: This rule states the procedures and rules of evidence to be followed at the hearing.

(1) Prehearing Motions. The commissioner or Administrative Hearing Commission may consider any motions to dismiss, motion to vacate, motions for summary judgment, or any other dispositive motions prior to commencement of the hearing on the merits.

(2) Evidence. The order in which the evidence will be presented is as follows:

(A) The Securities Division shall present its evidence first. The burden of proof in a hearing on the merits in matters relating to an order of the commissioner, or the failure of the commissioner to act, shall be on the Securities Division. The burden of proof for affirmative defenses, including exemptions and exceptions from definition, shall be upon the party claiming the affirmative defense;

(B) All witnesses may be cross-examined on any relevant issue even though that matter was not the subject of direct examination and may be impeached regardless of which party first called him/her to testify;

(C) Other parties shall then present their evidence;

(D) Each party has the right to rebut the evidence presented;

(E) The commissioner and Administrative Hearing Commission shall have the authority to administer oaths and affirmations, to rule on the admission or inclusion of evidence, and to take the necessary steps to insure a fair and orderly conduct of the hearing. S/he shall follow section 536.070, RSMo governing admission of evidence in administrative hearings; and

(F) The commissioner and Administrative Hearing Commission shall take official notice of all matters of which courts take judicial notice. Technical facts, not judicially cognizable may be officially noted if they are within his/her competence provided that the parties are notified and are given a chance to contest these facts or show that official notice would not be proper.

(3) Closing Arguments. All parties may make closing statements. The party with the burden of proof shall have the opportunity for rebuttal argument.

AUTHORITY: section 409.413, RSMo 2000. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed May 25, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings**

PROPOSED RESCISSION

15 CSR 30-55.110 Briefs. This rule stated when briefs may be filed and answered.

PURPOSE: The commissioner of securities is proposing to rescind this rule and readopt a new rule stating when motions and suggestions may be filed and answered, and more clearly explaining when briefs may be filed and answered.

AUTHORITY: section 409.413, RSMo 1986. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded: Filed May 25, 2001.

PUBLIC COST: This proposal rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings**

PROPOSED RULE

15 CSR 30-55.110 Motions, Suggestions and Legal Briefs

PURPOSE: This rule states when motions, suggestions and legal briefs may be filed and answered.

(1) Motions and Suggestions. Each party shall be entitled to file motions and to present written suggestions, accompanied by oral argument if the party so chooses. Motions and written suggestions

may be filed at any time during the pendency of the proceeding. Opposing parties shall file any responsive pleadings within five (5) business days, unless the commissioner or Administrative Hearing Commission grants additional time.

(2) Briefs. At any time prior to submitting the case for consideration at the close of the hearing, a party may seek leave to file a brief. If leave is granted, a party shall have twenty (20) days after leave is granted to prepare and file its brief unless additional time is granted. The other parties will be given twenty (20) days to file responsive briefs. Three (3) copies of briefs must be filed with the commissioner or Administrative Hearing Commission. The filing party shall also mail all briefs filed to all other parties.

AUTHORITY: section 409.413, RSMo 2000. Original rule filed Aug. 11, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed May 25, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 55—Hearings**

PROPOSED AMENDMENT

15 CSR 30-55.220 Hearing Officers. The commissioner of securities is proposing to amend section (1).

PURPOSE: This amendment simplifies the provision for the appointment of hearing officers by the secretary of state.

(1) In all proceedings [initiated under a provision of the Missouri Uniform Securities Act which require that the commissioner make a final decision] before the commissioner initiated under provisions of Chapter 409, RSMo, the secretary of state or his/her designee may appoint a hearing officer to conduct the proceeding.

AUTHORITY: section 409.413, RSMo [1986] 2000. Original rule filed Aug. 3, 1992, effective April 8, 1993. Amended: Filed May 25, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than 30 days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The 90-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.435 is amended.

This amendment relates to hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.435 by adopting provisions for hunting deer during the 2001–2002 seasons.

3 CSR 10-7.435 Deer: Seasons, Methods, Limits

PURPOSE: This amendment establishes the firearms seasons, archery season and special managed hunts for deer in 2001–2002.

(1) General Requirements.

(A) For the purposes of this rule, deer shall mean white-tailed deer and mule deer and antlered deer shall mean a deer with at least one (1) antler not less than three inches (3") long. Deer may be pursued, taken, killed, possessed or transported only as permitted in

this rule. A person may take two (2) deer of either sex on an archer's hunting permit provided that only one (1) antlered deer may be taken prior to the November portion of the firearms deer hunting season. A person holding an archer's hunting permit may obtain up to five (5) antlerless-only archery deer hunting permits to be used only in units 13, 14, 17, 22, 24, 58 and 59. A person may take one (1) antlerless deer on each antlerless-only archery deer hunting permit. In addition, a person may take one (1) antlered deer on a firearms deer hunting permit or one (1) deer of either sex on a firearms any-deer hunting permit. A person may take one (1) additional antlerless deer on a firearms first bonus deer hunting permit and one (1) additional antlerless deer on a firearms second bonus deer hunting permit. Additional deer may be taken as a participant in a managed deer hunt on a managed deer hunting permit. A person may participate in only one (1) managed deer hunt in the prescribed permit year with the exception that disabled persons permanently confined to a wheelchair may participate in more than one managed hunt. A person under twelve (12) years of age holding a youth deer and turkey hunting permit may, during the firearms deer hunting seasons, take one (1) antlered deer statewide or (1) antlerless deer in a deer management unit where any-deer permits are issued (as provided in 3 CSR 10-5.205). Any person killing a deer shall properly tag it immediately with the transportation portion of the taker's permit, which shall remain attached to the carcass until it has been inspected and marked at an established checking station. Detachment of the transportation portion of the permit prior to taking a deer renders the permit void. A resident landowner or lessee, as defined in this Code, shall not be required to purchase a deer hunting permit to take, during the youth deer hunting, November, and December portions of the firearms deer hunting season, an antlered deer, to take deer of either sex during the archery deer hunting season or to take up to five (5) additional antlerless deer during the archery season in units 13, 14, 17, 22, 24, 58 and 59, as prescribed in this rule, on any land s/he owns or, in the case of the lessee, upon which s/he resides, but s/he shall adhere to season methods and limits prescribed in this rule and shall tag the deer immediately with the full name and address of the taker and submit it for inspection as required in this rule. Resident landowners or corporate shareholders who qualify under this rule are eligible for any-deer and bonus deer hunting permits. Nonresident landowners who qualify under this rule are eligible to purchase nonresident landowner firearms permits and nonresident landowner archer's hunting permits for use on qualifying land.

(B) All deer taken shall be transported and possessed only by the taker until such deer have been submitted in person by the taker thereof for inspection and marking at an established checking station. Deer taken during the youth deer hunting and November portions of the firearms deer hunting season, and during the January portion of the firearms deer hunting season in units 1 through 17, 20, 22 through 24, 58 and 59, shall be submitted with the transportation tag attached and the prescribed hunting permit for inspection and marking in the county where taken or an adjoining open county between the hours of 8:00 a.m. and 8:00 p.m. Central Standard Time (CST) on the day taken. Deer taken during the December portion of the firearms deer hunting season and the archery hunting season shall be submitted for inspection and marking within twenty-four (24) hours of take at an established checking station. Deer may not be transported without the head attached unless inspected and marked at an established checking station. Notwithstanding any contrary provisions of other rules, deer inspected and marked with a locking seal at an established checking station may be transported, possessed and stored, and parts of properly checked deer when labeled with the full name, address and permit number of the taker, may be transported and possessed by any person. Locking seals placed on deer at established check-

ing stations shall remain attached to the deer carcass until the processor begins the act of processing the meat for packaging. Donations of commercially processed deer meat may be made to not-for-profit charitable organizations for distribution to underprivileged persons under administrative guidelines established by the director.

(C) Deer shall not be taken while in any stream or other body of water, or from any boat with a motor attached. Deer may not be hunted, pursued or taken with the aid of dogs, bait, any motor driven land conveyance or aircraft at any time. While hunting or pursuing deer, dogs may not be used or possessed.

(D) Bait shall mean grain or other feed placed or scattered so as to constitute an attraction or enticement to deer. Scents and minerals, including salt, are not regarded as bait. An area shall be considered baited for ten (10) days following complete removal of the bait.

(E) Any person who kills or injures any deer shall make a reasonable effort to retrieve the deer and include it in his/her season limit; however, this does not authorize trespass.

(2) Firearms Deer Hunting Season.

(A) Deer may be taken as provided in this rule by the holder of a firearms deer hunting permit from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset from November 10 through November 20, 2001, from January 5 through January 8, 2002 in units 1 through 17, 20, 22 through 24, 58 and 59, and for Missouri residents who are fifteen (15) years of age or less from October 27–28, 2001. Deer may be taken with a shotgun not smaller than 20-gauge or larger than 10-gauge; or with a muzzle-loading or cap-and-ball firearm not capable of being loaded from the breech, not smaller than .40 caliber, and capable of firing only a single projectile at one (1) discharge; or with any pistol, revolver or rifle firing centerfire ammunition propelling an expanding-type bullet; or with a longbow or crossbow. The possession of full hard metal case projectiles, ammunition propelling more than one (1) projectile at a single discharge and self-loading firearms having a capacity of more than eleven (11) cartridges in magazine and chamber combined are prohibited while pursuing deer.

(B) Deer may be taken as provided in this rule from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset from December 1 through December 9, 2001, by the holder of a firearms deer hunting permit with a muzzleloading or cap-and-ball firearm not capable of being loaded from the breech, not smaller than .40 caliber, and capable of firing only a single projectile at one (1) discharge. A person, while in the act of pursuing or hunting deer on a firearms deer hunting permit may have and use more than one (1) muzzleloading or cap-and-ball firearm, but have no other firearm, longbow or crossbow on his/her person.

(C) During the November portion of the firearms deer hunting season, and during the January portion of the firearms deer hunting season in units 1 through 17, 20, 22 through 24, 58 and 59, other wildlife may be hunted only with a shotgun and shot not larger than No. 4, except that this provision does not apply to waterfowl hunters, trappers or to a resident landowner on his/her land or to a lessee on the land on which s/he resides; provided that the holder of an unused firearms deer hunting permit and the prescribed hunting permit may take coyotes and, after the opening of the furbearer hunting season, furbearers as described in 3 CSR 10-7.450 by the methods prescribed for taking deer. Furbearers may not be chased, pursued or taken with the aid of dogs during daylight hours from November 1 through November 20, 2001 statewide, and from January 5 through January 8, 2002 in units 1 through 17, 20, 22 through 24, 58 and 59. Squirrels and rabbits may not be chased, pursued or taken with the aid of dogs during daylight hours of the November portion of the firearms deer hunting season in Bollinger, Butler, Carter, Dent, Iron, Madison, Oregon, Reynolds, Ripley, Shannon and Wayne counties.

(D) During all portions of the firearms deer hunting season, all persons while hunting deer shall wear a cap or hat, and a shirt, vest or coat having the outermost color commonly known as day-light fluorescent orange, blaze orange or hunter orange which shall be plainly visible from all sides while being worn. Camouflage orange garments do not meet this requirement. This requirement shall not apply to archery deer hunters during the December portion of the firearms season, to archery deer hunters during the January portion of the firearms season in Units 18, 19, 21, and 25 through 57, or to hunters using archery methods while hunting within municipal boundaries where discharge of firearms is prohibited or on federal or state public hunting areas where deer hunting is restricted to archery methods.

(F) Hunting is permitted within deer management units as follows:

1. Units 1–59: Antlered deer may be taken from October 27 through October 28, November 10 through November 20 and from December 1 through December 9. Deer of either sex may be taken from October 27 through October 28, November 10 through November 20 and from December 1 through December 9 by the holder of an any-deer permit in the unit specified on the permit or by the holder of a youth deer and turkey hunting permit, provided that only one (1) deer may be taken during the youth deer hunting portion and that antlerless deer may be taken only in deer management units where any-deer permits are issued. Additional deer, which must be antlerless, may be taken by holders of bonus permits in the unit specified on the permits.

2. Units 1–17, 20, 22–24, 58 and 59: Antlerless deer may be taken from January 5 through January 8, 2002 by holders of any-deer and/or bonus permits from any unit or by holders of youth deer and turkey hunting permits. An unfilled firearms deer hunting permit for antlered deer may be converted to a firearms any-deer hunting permit for use during the January portion of the firearms deer hunting season. Any firearms deer hunting permittee may purchase firearms first and second bonus deer hunting permits for use during the January portion of the firearms deer hunting season provided s/he adheres to season limits prescribed in this rule.

3. Nonresidents may take antlered deer from November 10 through November 20 and from December 1 through December 9. Nonresidents may purchase any-deer, first bonus and second bonus permits according to a quota for nonresident permits established for each deer management unit.

(G) In those deer management units where any-deer and bonus deer hunting permits are available as set forth in (2)(F), landowners who are Missouri residents and who own at least seventy-five (75) acres of land and meet the requirements of this rule may be issued free any-deer and bonus deer hunting permits for use on the qualifying property. Landowners who are not Missouri residents must own at least seventy-five (75) continuous acres within a single deer management unit and meet the requirements of this rule. No person may receive more than one (1) landowner any-deer and two (2) landowner bonus deer hunting permits for the firearms season and no person may take more than three (3) deer, only one (1) of which may be antlered, during the firearms deer hunting season. Therefore, a landowner may assign permits to those persons described in (2)(G)3. if the landowner's acreage qualifies in accordance with the formula set forth in (2)(G)1. Assignments must be made in writing on the landowner's application or renewal form.

1. The acreage formula for landowner any-deer and bonus deer hunting permits is:

- A. Seventy-five (75) to one hundred forty-nine (149) acres—one (1) any-deer and two (2) bonus deer hunting permits.

- B. One hundred fifty (150) to two hundred ninety-nine (299) acres—two (2) any-deer and four (4) bonus deer hunting permits.

- C. Three hundred (300) to five hundred ninety-nine (599) acres—three (3) any-deer and six (6) bonus deer hunting permits.

D. Six hundred (600) acres or more—four (4) any-deer and eight (8) bonus deer hunting permits.

2. Missouri resident landowners who can qualify to receive no-cost any-deer and bonus deer hunting permits are:

A. Landowners.

B. Officers, four (4) or fewer, of resident or foreign corporations.

C. General partners, four (4) or fewer, of partnerships.

D. Officers or managing members, four (4) or fewer, of resident limited liability companies.

E. Officers, four (4) or fewer, of benevolent associations organized pursuant to Chapter 352 of the *Revised Statutes of Missouri*.

3. Persons who may be designated to receive no-cost landowner any-deer and bonus deer hunting permits are:

A. Members of the resident landowner's immediate household whose legal residence and domicile is the same as the landowner's for at least thirty (30) days last past.

B. Lessees who reside on the landowner's property and/or their immediate household members.

4. Missouri nonresident landowners who can qualify to purchase nonresident landowner deer and turkey hunting permits are:

A. Landowners.

B. Members of the nonresident landowner's immediate household whose legal residence and domicile is the same as the landowner's for at least thirty (30) days last past.

C. Four (4) or fewer general partners of partnerships.

(3) Archery Deer Hunting Season.

(A) Deer may be taken as provided in section (1) exclusively by longbow from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset from October 1 through January 15, excluding the dates of the November portion of the firearms deer hunting season, by the holder of an archer's hunting permit or an antlerless-only archery deer hunting permit. An archer, while in the act of pursuing or hunting deer on an archer's permit, shall not have a firearm on his/her person. Archers may take deer of either sex statewide, provided that only one (1) may be antlered prior to the November portion of the firearms deer season.

(4) Managed Deer Hunts.

(A) On the fenced portion of Caney Mountain Conservation Area, one (1) deer of either sex may be taken with muzzleloading or cap-and-ball firearms from October 20 through October 22, 2001.

(B) On the fenced portion of Peck Ranch Conservation Area, one (1) deer of either sex may be taken with longbow from October 6 through October 7; one (1) antlered deer may be taken with muzzleloading or cap-and-ball firearms from October 20 through October 21, 2001.

(C) On Drury-Mincy Conservation Area, one (1) deer of either sex may be taken with muzzleloading or cap-and-ball firearms from October 27 through October 29, 2001.

(D) On designated portions of Swan Lake National Wildlife Refuge, two (2) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from January 5 through January 6. An antlerless deer must be taken and registered prior to taking an antlered deer. Two (2) antlerless deer may be taken with muzzleloading or cap-and-ball firearms from January 12 through January 13, 2002.

(E) On designated portions of Fort Leonard Wood, one (1) deer of either sex may be taken with historic weapons from December 22 through December 23, 2001.

(F) On designated portions of Mingo National Wildlife Refuge, one (1) deer of either sex may be taken with muzzleloading or cap-and-ball firearms from January 5 through January 6, 2002.

(G) On designated portions of August A. Busch Memorial Conservation Area, one (1) antlerless deer may be taken with longbow from October 15 through October 24 and one (1) deer of

either sex may be taken with longbow from October 1 through October 10 and from December 26 through January 7, 2002; one (1) deer of either sex may be taken with historic weapons or modern firearms from October 27 through October 28; one (1) antlerless deer may be taken with muzzleloading or cap-and-ball firearms from November 12 through November 14; and one (1) deer of either sex may be taken with muzzleloading or cap-and-ball firearms from November 17 through November 19, 2001.

(H) On Weldon Spring Conservation Area, one (1) deer of either sex may be taken with longbow from October 1 through October 14, from October 15 through October 24, from December 1 through December 20 and from December 26 through January 7, 2002; one (1) deer of either sex may be taken with modern firearms from October 27 through October 28, from November 12 through November 14 and from November 17 through November 19, 2001.

(I) On designated portions of James A. Reed Memorial Wildlife Area, two (2) deer, only one (1) of which may be antlered, may be taken with longbow from October 27 through November 4; and two (2) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from November 5 through November 8 and from November 12 through November 16, 2001. An antlerless deer must be taken and registered prior to taking an antlered deer.

(J) On designated portions of U.S. Army Corps of Engineers project lands at Smithville Lake, three (3) deer, only one (1) of which may be antlered, may be taken with modern firearms from November 17 through November 18, 2001 and two (2) deer, only one (1) of which may be antlered, may be taken with modern firearms from December 15 through December 16, 2001. On designated portions of Truman Lake and Stockton Lake, two (2) deer, only one (1) of which may be antlered, may be taken with modern firearms from November 3 through November 4, 2001.

(K) On designated portions of Whetstone Creek Conservation Area, two (2) deer, only one (1) of which may be antlered, may be taken with modern firearms from November 12 through November 14, 2001. An antlerless deer must be taken and registered prior to taking an antlered deer. One (1) deer of either sex may be taken with longbow from October 1 through November 9; and one (1) antlerless deer may be taken with longbow from November 21 through January 15, 2002.

(L) On designated portions of Forest 44 Conservation Area, two (2) deer, only one (1) of which may be antlered, may be taken with longbow from October 1 through October 14 and from December 1 through January 15, 2002; and two (2) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from November 12 through November 13 and from November 19 through November 20, 2001.

(M) On designated portions of Squaw Creek National Wildlife Refuge, three (3) antlerless deer may be taken with muzzleloading or cap-and-ball firearms from December 15 through December 16 and from January 12 through January 13, 2002.

(N) On designated portions of Burr Oak Woods Conservation Area, three (3) deer, only one (1) of which may be antlered, may be taken with longbow from October 31 through November 2, 2001; three (3) deer may be taken with muzzleloading or cap-and-ball firearms from November 5 through November 6 and from November 8 through November 9, 2001. An antlerless deer must be taken and registered prior to taking an antlered deer.

(O) On designated portions of Shaw Nature Reserve, three (3) antlerless deer may be taken with muzzleloading or cap-and-ball firearms from December 8 through December 9, 2001 and from January 5 through January 6, 2002.

(P) On designated portions of Stockton State Park, three (3) antlerless deer may be taken with modern firearms from December 8 through December 9, 2001 and from January 12 through January 13, 2002; on designated portions of Crowder State Park, three (3) antlerless deer may be taken with modern firearms from December 8 through December 9, 2001 and from January 5 through January

6, 2002; on designated portions of Babler State Park three (3) antlerless deer may be taken with muzzleloading or cap-and-ball firearms from December 8 through December 9, 2001 and from January 5 through January 6, 2002; on designated portions of Cuivre River State Park and Meramec State Park three (3) antlerless deer may be taken with modern firearms from December 8 through December 9, 2001; on designated portions of Watkins Mill State Park, three (3) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from December 8 through December 9, 2001 and from January 12 through January 13, 2002; on designated portions of Big Oak Tree State Park, three (3) antlerless deer may be taken with muzzleloading or cap-and-ball firearms on December 8, 2001 and January 12, 2002; on designated portions of Knob Noster State Park three (3) antlerless deer may be taken with modern firearms from December 15 through December 16, 2001; on designated portions of St. Francois State Park three (3) antlerless deer may be taken with modern firearms from January 12 through January 13, 2002; on designated portions of Pershing State Park three (3) deer, only one (1) of which may be antlered, may be taken with modern firearms from December 1 through December 2, 2001; on designated portions of Rock Bridge State Park three (3) antlerless deer may be taken with muzzleloading or cap-and-ball firearms from January 5 through January 6, 2002. During the Pershing State Park and Watkins Mill State Park managed hunts two (2) antlerless deer must be taken and registered before taking an antlered deer.

(Q) On designated portions of Columbia Bottom Conservation Area, one (1) deer of either sex may be taken with longbow from October 1 through November 14 and from December 1, 2001 through January 15, 2002.

(R) On designated portions of Jackson County's Fleming Park three (3) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from December 3 through December 5 and from December 19 through December 21, 2001. An antlerless deer must be taken and registered prior to taking an antlered deer.

(S) On designated portions of Rockwoods Range, two (2) deer, only one (1) of which may be antlered, may be taken with longbow from November 1 through November 30 and from December 1 through December 30, 2001.

(T) On designated portions of Charles W. Green Conservation Area, one deer of either sex may be taken with historic weapons or modern firearms from November 3 through November 4, 2001.

(U) On designated portions of Pelican Island Natural Area, two (2) deer, only one (1) of which may be antlered, may be taken with muzzleloading or cap-and-ball firearms from November 3 through November 5, 2001.

(V) On designated portions of Prairie Fork Creek Conservation Area, two (2) antlerless deer may be taken with modern firearms from November 12 through November 14, 2001.

(W) On designated portions of St. Stanislaus Conservation Area, two (2) deer, only one (1) of which may be antlered, may be taken with longbow from October 1 through November 14 and from December 1, 2001 through January 15, 2002.

(X) On designated portions of Clarence Cannon National Wildlife Refuge, three (3) antlerless deer may be taken with modern firearms from January 5 through January 6, 2002.

(Y) On designated portions of University Forest Conservation Area, one (1) deer of either sex may be taken with modern firearms from October 20 through October 21, 2001.

SUMMARY OF COMMENTS: Seasons and limits are excepted from the requirement for filing as a proposed amendment under section 536.021, RSMo.

This amendment filed June 1, 2001, effective **June 15, 2001**.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.440 is amended.

This amendment relates to hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.440 by establishing seasons and limits for hunting migratory waterfowl during the 2001 seasons.

3 CSR 10-7.440 Migratory Game Birds and Waterfowl: Seasons, Limits

***PURPOSE:** This order sets the seasons and limits for hunting migratory waterfowl during the 2001 season.*

(1) Migratory game birds and waterfowl may be taken, possessed, transported and stored as provided in federal regulations. The head or one (1) fully feathered wing must remain attached to all waterfowl while being transported from the field to one's home or a commercial preservation facility. Seasons and limits are as follows:

(A) Doves may be taken from one-half (1/2) hour before sunrise to sunset from September 1 through November 9. Limits: twelve (12) doves daily; twenty-four (24) in possession.

(B) Sora and Virginia rails may be taken from one-half (1/2) hour before sunrise to sunset from September 1 through November 9. Limits: twenty-five (25) rails in the aggregate daily or in possession.

(C) Woodcock may be taken from one-half (1/2) hour before sunrise to sunset from October 15 through November 28. Limits: three (3) woodcock daily; six (6) in possession.

(D) Common snipe may be taken from one-half (1/2) hour before sunrise to sunset from September 1 through December 16. Limits: eight (8) snipe daily; sixteen (16) in possession.

(E) Blue-winged, green-winged and cinnamon teal may be taken from sunrise to sunset from September 8 through September 23. Limits: four (4) teal in the aggregate of species daily; eight (8) in possession.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are excepted from the requirement for filing as a proposed amendment under section 536.021, RSMo.

This amendment filed June 1, 2001, effective **June 15, 2001**.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 140—Division of Finance
Chapter 2—Banks and Trust Companies

ORDER OF RULEMAKING

By the authority vested in the Missouri State Banking Board and the Missouri Commissioner of Finance under section 361.105, RSMo 2000, the commissioner and the board amend a rule as follows:

4 CSR 140-2.070 Accounting for Other Real Estate is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2001 (26 MoReg 328). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 140—Division of Finance
Chapter 2—Banks and Trust Companies**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Banking Board and the Missouri Commissioner of Finance under section 361.105, RSMo 2000, the commissioner and the board adopt a rule as follows:

4 CSR 140-2.138 Financial Subsidiaries is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2001 (26 MoReg 328-329). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 140—Division of Finance
Chapter 6—Interpretative Rulings**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Banking Board and the Missouri Commissioner of Finance under section 361.105, RSMo 2000, the commissioner and the board adopt a rule as follows:

4 CSR 140-6.085 Trust Representative Offices is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2001 (26 MoReg 329-330). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 240—Public Service Commission
Chapter 32—Telecommunications Service**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, 386.250 and 392.200, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-32.130 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2001 (26 MoReg 330-333). The section with changes is reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A hearing was held on March 16, 2001, at 9:00 a.m., in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Oral testimony and written comments were received during the comment period regarding proposed rules 4 CSR 240-32.130 through 32.170.

COMMENT: Comments offered support for the Commission's efforts to protect consumers by adopting prepaid calling card rules. RESPONSE: The Commission thanks all parties for their valuable comments.

COMMENT: A comment recommended a change to proposed rule 4 CSR 240-32.140(2) to correct an ambiguity found in the definition of "company." Although the comment did not specifically address 4 CSR 240-32.130, the same potential ambiguity exists since 32.130 and 32.140(2) use the same language. As proposed, the term "resellers" could be misconstrued to apply to distributors of prepaid calling cards that are not telecommunications companies.

RESPONSE AND EXPLANATION OF CHANGE: The Commission subdivided section (1) to address the potential ambiguity.

4 CSR 240-32.130 General Provisions—Prepaid Interexchange Calling Services

(1) This rule, and other rules comprising 4 CSR 240-32.130 through 4 CSR 240-32.170, shall apply to companies that provide prepaid calling interexchange services to the public: (a) using their own facilities; or, (b) reselling the services of another telecommunications company.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 240—Public Service Commission
Chapter 32—Telecommunications Service**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, 386.250 and 392.200, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-32.140 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2001 (26 MoReg 331). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A hearing was held on March 16, 2001, at 9:00 a.m., in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Oral testimony and written comments were received during the comment period.

COMMENT: The Commission should modify the definition of "company" in subsection (2) to correct an ambiguity. As proposed, the term "reseller" could be misconstrued to apply to distributors of prepaid calling cards that are not telecommunications companies.

RESPONSE AND EXPLANATION OF CHANGE: The Commission clarifies section (2) by subdividing the definition of “company” and, therefore, removing the ambiguity.

COMMENT: The Commission should clarify the definition of “customer” found in 4 CSR 240-32.140(3) by replacing the term “entity/person” with the term “end user.”

RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees this clarification is necessary and replaces “entity/person” with “end user” in the definition of “customer.”

COMMENT: The Commission should clarify the definition of “prepaid calling services” to indicate the rule applies to interexchange calling services.

RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees this clarification is necessary and inserts the word “interexchange” into the definition.

COMMENT: Several comments addressed the definition of “prepaid calling card” found in subsection (6) and requested that promotional cards and other cards issued to customers free of charge be exempted from the definition. One comment, however, replied that an exemption for promotional cards should be narrowly defined. Another comment asked that promotional cards be exempted unless the customer has the option of reactivating the card and incurring charges.

RESPONSE AND EXPLANATION OF CHANGE: The Commission changes section (6) to clarify that promotional cards are only subject to the terms of the proposed rule when a customer must purchase the prepaid calling service.

4 CSR 240-32.140 Definitions—Prepaid Interexchange Calling Services

(2) Company—Any telecommunications company providing prepaid calling services to the public: (a) using its own facilities; or, (b) reselling the services of another telecommunications company.

(3) Customer—Any end user inquiring about or purchasing prepaid calling services.

(6) Prepaid calling card (Card)—Any object containing an access number and authorization code that enables an end user to use PPCS. This includes, but is not limited to, retail and collectible calling cards. Promotional calling cards become prepaid calling cards when the consumer must purchase prepaid calling services at the time of issuance or at some time in the future in order to use the promotional card.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 32—Telecommunications Service

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, 386.250 and 392.200, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-32.150 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2001 (26 MoReg 331). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A hearing was held on March 16, 2001, at 9:00 a.m., in the Governor Office Building, 200 Madison

Street, Jefferson City, Missouri. Oral testimony and written comments were received during the comment period.

COMMENT: One comment supports a requirement that the company name appear on the prepaid calling card, but requests that the Commission not require the company’s certificated name to appear on the card as required under subsection (2). Another comment asked that subsection (2) be clarified to indicate whether the certificated name or the d/b/a name should appear on the card.

RESPONSE AND EXPLANATION OF CHANGE: Requiring the prepaid calling cards to include the company’s certificated name is essential to determine which company’s tariffs apply to the card. This can be accomplished by allowing the company to include the certificated name in the prepaid card packaging *or* on the prepaid card itself. Sections (2) and (3) have been changed to address these comments. These rules will allow the certificated name and the d/b/a to appear on either the card or the packaging.

COMMENT: Several comments stressed the importance of requiring that prepaid card providers be certificated to provide interexchange telecommunications services to protect the consumer. One comment further stressed the importance of disclosing all prices, terms and conditions in the company’s filed tariffs.

RESPONSE AND EXPLANATION OF CHANGE: In response to this comment, the Commission adds section (5) that states “all prepaid calling services charges, surcharges and fees subject to Missouri Public Service Commission jurisdiction shall be no more than the company’s Missouri-tariffed rates.”

COMMENT: Several comments regarding proposed rule 4 CSR 240-32.170 requested that companies be allowed to express charges in units other than minutes.

RESPONSE AND EXPLANATION OF CHANGE: The Commission partly addressed these comments in 4 CSR 240-32.170 by allowing companies to charge in increments other than minutes. To ensure that these charges are properly tariffed, the Commission adds section (4) that requires a company to define billing increments other than minutes, if applicable.

4 CSR 240-32.150 Qualifications for and Responsibilities of the Prepaid Calling Services

(2) The company name used on prepaid calling cards and/or the prepaid card packaging shall be identical to the name in which the certificate and tariff are issued.

(3) A “doing business as” (d/b/a) name may be used on all prepaid calling cards and/or prepaid Card packaging if the d/b/a is registered with the Missouri Secretary of State as a fictitious name and the d/b/a is reflected on the certificate and the tariff prior to providing the service.

(4) All prepaid calling services charges, surcharges and fees subject to Missouri Public Service Commission jurisdiction shall be no more than the company’s Missouri-tariffed rates.

(5) If a company uses billing increments other than per minute rates, the billing increment must be defined in the company’s Missouri tariff.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 32—Telecommunications Service

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, 386.250 and 392.200, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-32.160 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2001 (26 MoReg 331-332). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A hearing was held on March 16, 2001, at 9:00 a.m., in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Oral testimony and written comments were received during the comment period.

COMMENT: A number of comments expressed concern that the rules attempted to require companies to control the practices of their retailers. The comments highlight the difficulties facing companies that have little influence over the business practices of their retailers and distributors. One comment, however, supported a rule that would require companies to contractually require their retailers and distributors to abide by the prepaid calling card rules.

RESPONSE AND EXPLANATION OF CHANGE: Proposed section (3) is moved to section (4) and changed to require the company to notify its retailers and distributors that disclosure is required under the Commission's rules.

COMMENT: One comment indicated that the customer service standards in proposed section (4) are already required under Chapter 33 of the Commission's rules.

RESPONSE AND EXPLANATION OF CHANGE: The Commission maintains section (4) as proposed to ensure the customer can contact the company for complaints or questions about the service. No changes were made to section (4) other than moving the section in its entirety to section (5).

COMMENT: Several comments requested the removal of the disclosure statement in proposed subsections (1)(C) and (2)(F). Some claimed these sections were redundant.

RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees with the comments and removes proposed subsections (1)(C) and (2)(F) from the rules. These provisions were intended to educate the customer on how to calculate charges, and comments received at the public hearing stressed the importance of educating the customer. The Commission adds a new section (3) to protect the customer in this regard. This change also moves a portion of section (2) into new section (3).

COMMENT: One comment suggested that proposed subsections (1)(B) and (2)(E) should be modified to clarify that the required disclosures regarding surcharges, taxes, and any added relevant variables apply only to such *domestic* surcharges, taxes, etc. In addition, several comments asked that subsections (1)(B) and (2)(E) be revised to allow companies more flexibility in pricing their products.

RESPONSE AND EXPLANATION OF CHANGE: The Commission revised subsections (1)(B) and (2)(E) to address these concerns. Subsection (1)(B) is changed to allow the companies greater pricing flexibility. Subsection (2)(E) is moved to new subsection (3)(A) and changed to allow greater pricing flexibility. New subsection (3)(A) is also changed to reflect that the subsection applies to domestic charges.

COMMENT: Many comments cautioned the Commission against state-specific card requirements proposed in subsection (1)(B). They stated that state-specific requirements would be costly to companies and could deter companies from offering prepaid calling services in Missouri. The main state-specific concern regarded the requirement that charges be expressed in minutes.

RESPONSE AND EXPLANATION OF CHANGE: The Commission believes the goals of this rule can be reached without

requiring companies to print a Missouri-specific card. Subsection (1)(B) is changed to allow billing increments that are not on a per-minute basis so long as the billing increment is defined for the customer. Subsection (2)(E) is moved to subsection (3)(A) and changed to allow billing increments other than minutes.

COMMENT: Several comments requested clarification of subsection (3) (now subsection (5)) to allow either 24 hour, 7 days a week customer service *or* electronic voice-recording by deleting the phrase "and/or" and replacing it with "or."

RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees that this clarification is necessary. The rule is changed accordingly.

COMMENT: One comment suggested a modification to (2)(C) to allow companies to provide access through a toll-free number *or* a local access number at their discretion.

RESPONSE AND EXPLANATION OF CHANGE: The Commission recognizes the need for this change and adds a local access number option.

COMMENT: One comment stated that the rules should be changed to allow disclosure of either an expiration policy *or* an expiration date.

RESPONSE AND EXPLANATION OF CHANGE: The Commission adds text to reflect this change in subsections (1)(C), (2)(E) and (3)(B).

COMMENT: Several comments discussed the Commission's enforcement of the proposed prepaid calling card rules requiring disclosure, suggesting that the Commission avoid making rules that it does not intend to actively enforce. Other comments suggested that the Commission specifically request a report from its staff regarding enforcement activities.

RESPONSE: These disclosure requirements are meant to deter misleading practices and to have rules that apply if complaints are brought to the Commission regarding violations of the rules. No changes were made following these comments.

4 CSR 240-32.160 Customer Disclosure Requirements

(1) Company shall provide the following information to the customer before purchase. The information may be disclosed on the prepaid calling card, prepaid calling card packaging, visible display at the point of sale or in the presale document.

(B) The maximum domestic per minute rate or the maximum charge per billing increment plus all applicable surcharges or taxes and any added relevant variables. If a company uses billing increments other than per minute rates, the billing increment must be defined.

(C) Any expiration policy or date.

(2) Company shall disclose the following information to the customer, either on the prepaid calling card or through an insert, after purchase.

(C) A toll-free or local network access number.

(D) An authorization code, if required to access the network.

(E) Any expiration policy or date.

(3) Company shall provide through its toll-free customer service number, the following information to the customer.

(A) The maximum domestic rate including all applicable surcharges or taxes and any added relevant variables, the maximum charge per billing increment or an appropriate method for the service user to calculate the domestic cost per minute plus all applicable surcharges or taxes and any added relevant variables.

(B) Any expiration policy or date.

(4) The company shall notify its retailers and distributors that customer disclosure information as set forth in 4 CSR 240-32.160(1) is required.

(5) Each company shall provide a live operator to answer all incoming calls 24 hours a day, 7 days a week or each company shall electronically voice-record end user complaints. If an electronic voice-recorder is used:

(A) The company shall attempt to contact each complainant no later than the next business day following the date of the recording.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 32—Telecommunications Service**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, 386.250 and 392.200, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-32.170 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2001 (26 MoReg 332-333). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A hearing was held on March 16, 2001, at 9:00 a.m., in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Oral testimony and written comments were received during the comment period.

COMMENT: Comments expressed their concern over practices that allow companies to reduce the balance on a prepaid calling card with charges that were not disclosed to the customer.

RESPONSE AND EXPLANATION OF CHANGE: The Commission changes section (1) to ensure that companies disclose all charges that will reduce the balance on the card.

COMMENT: Comments opposed the subsection (3) requirement that charges be expressed in minutes of use or fractions thereof. Companies that provide prepaid calling cards with charges expressed in units other than minutes would be forced to change their charge practice or cease offering their cards in Missouri.

RESPONSE AND EXPLANATION OF CHANGE: The purposes of this rule can be reached without requiring companies to print a Missouri-specific card. Section (3) is changed to address this concern by adding "units" and "dollars" to the increments that must be disclosed.

COMMENT: Several comments requested a change in the rules to grandfather the existing stock of cards. One party suggested a 6 to 9 month limit to grandfather cards.

RESPONSE: The current six month effective date allows sufficient time for companies to use their existing stock of cards. Comments indicated that most companies offer cards that already comply with these rules. No changes were made following these comments.

COMMENT: Comments stated that subsection (4) would place the impossible task of requiring a 98% call completion percentage on a company that is dependent upon other telecommunications companies to complete a call. One party noted that the Commission already requires a completion percentage in 4 CSR 240-32.080(5)(H) of the Commission's rules.

RESPONSE AND EXPLANATION OF CHANGE: The Commission acknowledges that 4 CSR 240-32.080(5)(H) requires companies to adhere to a completion percentage and, therefore, deletes section (4) from the rules.

COMMENT: One party stated that subsection (8) (now subsection (7)) unnecessarily restricts a company's ability to provide prepaid calling cards in denominations other than minutes.

RESPONSE AND EXPLANATION OF CHANGE: The language in section (8) (now section (7)) protects customers from unreasonable charges. A clarifying change was made to this subsection.

COMMENT: Subsection (6)(D) (now subsection (5)(D)) should only require customer service information on refunds for 30 days from the date the company ceases operations in Missouri. The proposed 60 days is extensive.

RESPONSE: Many customers may not exhaust the calling time on the prepaid card within 30 days from the day of purchase. Customers may lose an opportunity to receive a refund if subsection (6)(D) (now subsection (5)(D)) were changed as proposed. No changes were made to this subsection following this comment.

COMMENT: One comment suggested deleting the written notice requirement of subsection (6)(B) (now subsection (5)(B)). The comment stated that the requirement was impossible to implement.

RESPONSE: Subsection (6)(B) (now subsection (5)(B)) only requires written notice if applicable. Such notice would not be applicable where the customer's identity is unknown to the company. No changes were made to this subsection following this comment.

COMMENT: A number of comments expressed concern that the rules attempted to require companies to control the practices of their retailers. The comments highlight the difficulties facing companies that have little influence over the business practices of their retailers and distributors. One comment, however, supported a rule that would require companies to contractually require their retailers and distributors to abide by the prepaid calling card rules.

RESPONSE AND EXPLANATION OF CHANGE: 4 CSR 240-32.160(4) requires companies to notify their retailers or distributors that disclosure is required under the Commission's rules. The Commission deletes section (10) from these rules.

4 CSR 240-32.170 Standards for Prepaid Calling Service

(1) The company shall not reduce the balance on the card by more than the charges printed on the card, packaging, visible display at the point of sale and in any presale documentation.

(3) Increments charged to the prepaid calling card shall be expressed in minutes of use, units, dollars, or fractions thereof.

(4) Each company shall only charge for conversation time plus applicable disclosed surcharges. Conversation time begins when the called party answers the call and ends when either party terminates the call.

(5) When a company ceases operations in the state of Missouri, the company must:

(A) Provide the commission with 30 days advance notice in writing and include proof of customer notification.

(B) At least 30 days before termination, provide written notice to customers at the address on file with the company, if applicable, indicating that service will be ending and explain how customers may receive a refund on any unused service.

(C) Beginning at least 15 days before termination, provide oral notice of termination at the beginning of each call originated in Missouri, including the date of termination and a toll-free number to call for more information.

(D) Provide information to customer via its customer service number and the toll-free number outlining the procedure for obtaining refunds and continue to provide this information for 60 days from the date the company ceases operations in Missouri.

(6) Each company shall have a refund policy that meets the following minimum requirements:

(A) If a company is no longer able to provide service and the prepaid calling card is deemed no longer usable and has not exceeded the expiration period of the card, the company shall provide a refund to the customer in an amount equal to the value remaining on the account.

(B) Refunds may be cash or replacement service, at the company's option. The company must provide the refund to the customer within 60 days of notification by the customer.

(7) Conversation time of less than a full minute shall be rounded to no more than the next full minute.

(8) Services without a specific expiration period printed on the card, and with a balance remaining, shall be considered active for a minimum of one year from the date of first use, or if recharged one year from the date of the last recharge.

(9) All services sold in Missouri must comply with 4 CSR 240-32.130 through 4 CSR 240-32.170 six months after the effective date of the rules.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 255—Missouri Board for Respiratory Care Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Respiratory Care under sections 334.800, 334.840.2, 334.850, 334.890.2 and 334.890.3, RSMo 2000, the board amends a rule as follows:

4 CSR 255-2.020 Application for Temporary Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2001 (26 MoReg 493). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 255—Missouri Board for Respiratory Care Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Respiratory Care under sections 334.800, 334.840.2, 334.850, 334.890.1 and 334.890.3, RSMo 2000, the board amends a rule as follows:

4 CSR 255-2.030 Application for an Educational Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on

March 1, 2001 (26 MoReg 493–494). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 255—Missouri Board for Respiratory Care Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Respiratory Care under sections 334.800, 334.840.2, 334.850, 334.880.1, 334.910 and 334.920, RSMo 2000, the board amends a rule as follows:

4 CSR 255-2.050 Inactive Status is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2001 (26 MoReg 494–495). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 255—Missouri Board for Respiratory Care Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Respiratory Care under sections 334.800, 334.840.2, 334.850, 334.870, 334.880.1, 334.910 and 334.920, RSMo 2000, the board rescinds a rule as follows:

4 CSR 255-2.060 Reinstatement is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2001 (26 MoReg 496). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 255—Missouri Board for Respiratory Care Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Respiratory Care under sections 334.800, 334.840.2, 334.850, 334.870, 334.880.2, 334.910 and 334.920, RSMo 2000, the board adopts a rule as follows:

4 CSR 255-2.060 Reinstatement is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2001 (26 MoReg 496–500). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 255—Missouri Board for Respiratory Care
Chapter 4—Continuing Education Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Respiratory Care under sections 334.800, 334.840.2, 334.850, 334.910 and 334.920, RSMo 2000, the board rescinds a rule as follows:

**4 CSR 255-4.010 Continuing Education Requirements is
rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2001 (26 MoReg 501). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 255—Missouri Board for Respiratory Care
Chapter 4—Continuing Education Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Respiratory Care under sections 334.800, 334.840.2, 334.850, 334.910 and 334.920, RSMo 2000, the board adopts a rule as follows:

**4 CSR 255-4.010 Continuing Education Requirements is
adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2001 (26 MoReg 501–506). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 45—Division of Mental Retardation and
Developmental Disabilities
Chapter 3—Care and Habilitation**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director adopts a rule as follows:

9 CSR 45-3.070 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2001 (26 MoReg 335–343). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Mental Health, Division of Mental Retardation and Developmental Disabilities received 27 comments to the proposed rule.

NOTE: Even though no specific comment was received, the department notes that an error in the numbering of the proposed rule omitted a section (15). The department has renumbered section (16) of the proposed rule to be section (15) in the Order of Rulemaking.

COMMENT: As a general comment, three respondents suggested that the Department develop its own medication aide training program and certificate in lieu of adopting the Division of Aging's Level I Medication Aide Training Program.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and has removed references to the Division of Aging in sections (6) and (9) and has removed reference to long term care (LTC) association in section (11) and (13). In order to avoid confusion with the Level I Medication Aide training program offered through the Division of Aging, the department has removed the reference to "Level I" in the title of the rule, and sections (1), (2), (3), (8), (11), (13), (14) and (15) and has revised the Purpose of the rule. These revisions make the Department of Mental Health, Division of Mental Retardation and Developmental Disabilities the approval agency for the Medication Aide Training Program, including the issuance of a Medication Aide Certificate. The department has also removed reference to Level I in the form attached to this rule.

COMMENT: One respondent commented that the Level I medication aide student qualifications and bi-annual training requirements under sections (8) and (14) respectively should be the same for the Division of Mental Retardation and Developmental Disabilities and the Division of Aging.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees in part and has eliminated in Section (8) any reference to a GED or high school diploma as a requirement to enroll in the Level I Medication Aide course. However, it has made no change to Section (14) because it considers staff training important to consumers' health and safety.

COMMENT: As a general comment, seven respondents commented that the costs to providers to implement the rule in a community setting are exorbitant.

RESPONSE: The Department recognizes there is a fiscal impact associated with the rule. To help mitigate costs the rule includes the following: (1) 18 month time frame for providers and staff to comply with the rule; (2) medication aides who hold a medication administration certificate issued by the Division's regional centers or a Division of Aging level I medication aide certificate will be deemed certified; and (3) medication aides who do not currently meet certification requirements may challenge the Medication Aide examination, in lieu of taking the 16-hour course. The Department has decided to make no changes to the rule in response to this comment.

COMMENT: One respondent commented that purchasing manuals for each person taking the course, as required by section (6), would be very cost prohibitive.

RESPONSE: The Department disagrees and has not revised the rule as requested because the department contends that the manual will

serve each student as an ongoing reference after the training program has been completed.

COMMENT: One respondent commented that the Level I Medication Aide Training Program curriculum, as described in section (5), does not take into consideration the very different circumstances of people with developmental disabilities.

RESPONSE: It is not the purpose of this rule to promulgate the content of the training curriculum. However the department notes that the curriculum includes medication administration information specific to individuals with developmental disabilities. In addition, the Division will periodically provide instructors who teach the bi-annual training with current information in this regard.

COMMENT: Commenting on subsection (13)(B), four respondents stated the time delay between a student successfully completing the Level I Medication Aide course and obtaining a certificate from the long-term association that approved the course will be both costly and not in consumers' best interest.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and has changed the subsection accordingly. The local regional center will issue a Division of Mental Retardation and Developmental Disabilities Medication Aide Certificate upon receiving the required final records and test booklets from the sponsoring agency.

COMMENT: Commenting on subsection (8)(A), one respondent recommended deleting the language "to be involved in direct consumer support" because it creates a restriction on student eligibility for the Level I Medication Aide Training Program that is neither clear nor necessary.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and will delete the phrase "to be involved in direct consumer support."

COMMENT: One person stated that the definition of employable in subsection (8)(A) is confusing and unnecessary.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has revised the subsection (8)(A) as requested. However the department is also amending paragraph (13)(B)1. to clearly state that the department will award the certificate only to persons who are employable.

COMMENT: One respondent commented that the Test of Adult Basic Education (TABE) is a better measure of the qualities needed to ensure proper level I medication aide training and its recognition in the rule would create a more reasonable eligibility requirement than a high school diploma or GED. A second respondent commented that successfully passing the exam is the critical factor, not having a GED or high school diploma.

RESPONSE AND EXPLANATION OF CHANGE: The Department notes that meeting any of these measures is not necessarily required to take the medication aide training and therefore the department has revised section (8) to delete references to these measures.

COMMENT: The department noted that section (8) should be clarified by making reference to deemed certification status under subsection (13)(B).

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has revised the rule accordingly.

COMMENT: Nine respondents commented that the instructor qualifications in subsection (10)(B) are too restrictive and would greatly affect their ability to find qualified instructors.

RESPONSE AND EXPLANATION OF CHANGE: The Department has considered this comment and recognizes that wording was inadvertently omitted from the rule that restricts instructor quali-

cations. The Department has revised section (10) of the rule accordingly.

COMMENT: One respondent commented that it may be difficult, due to schedule conflicts and staffing, for medication aides to complete the bi-annual training by the anniversary date of their initial medication aide certificate, as required under section (14).

RESPONSE: Individuals have twenty-four months to take the bi-annual training. The Department considers this sufficient time for staff and providers to comply with the requirement. The Department will make no changes to the rule.

COMMENT: One respondent commented that the bi-annual training under subsection (14)(A) requires a minimum of four hours training every two years. The rule does not clarify whether those four hours include or require a practicum exam.

RESPONSE: The bi-annual training does not include a practicum; however, nothing prohibits instructors from making this a requirement when appropriate and warranted. The Department will make no changes to the rule.

COMMENT: One respondent commented that the title "Maintain Certificate" in section (16) of the proposed rule would be more appropriately named "Revocation of Certificate."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the recommendation and will change the rule.

COMMENT: Seventeen (17) respondents commented on paragraph (12)(A)2., stating that the requirement to conduct the practicum examination in only a residential or day program setting, and not a simulated setting, will be costly and greatly inhibit the ability of community providers to get new hires certified.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and has changed the rule to allow the local regional center to approve simulated practicum sites when testing in a residential or day program is not possible or feasible.

EXPLANATION OF OTHER CHANGES: Also related to section (12) the department noted that since the Division of Aging will not be directly involved it will be necessary for the department to design test questions. The department revised paragraph (12)(A)1. accordingly.

9 CSR 45-3.070 Certification of Medication Aides Serving Persons with Developmental Disabilities

PURPOSE: Individuals who administer medications or supervise self-administration of medications in any residential setting or day program funded, licensed or certified by the Department of Mental Health to provide services to persons who are mentally retarded or developmentally disabled, are required to be either a physician, a licensed nurse, a certified medication technician, a certified medication employee, a level I medication aide or Department of Mental Health medication aide. The provisions of the rule do not apply to family-living arrangements unless they are receiving reimbursement through the Medicaid Home and Community-Based Waiver for persons with developmental disabilities. This rule sets forth the requirements for approval of a Medication Aide Training Program designating the required course curriculum content, outlining the qualifications required of students and instructors, designating approved training facilities and outlining the testing and certification requirements.

(1) The purpose of the Medication Aide Training Program shall be to prepare individuals for employment as medication aides in any residential setting or day program funded, licensed or certified by the Department of Mental Health to provide services to persons with mental retardation or developmental disabilities. The training program does not prepare individuals for the parenteral adminis-

tration of medications such as insulin or the administration of medications or other fluids via enteral feeding tubes.

(2) All aspects of the Medication Aide Training Program included in this rule shall be met in order for a program to be considered approved.

(3) The objectives of the Medication Aide Training Program shall be to ensure that the medication aide will be able to—

(A) Define the role of a medication aide;

(6) The approved course curriculum shall be the manual entitled *Level I Medication Aide* (IE 64-1), developed by the Department of Elementary and Secondary Education, Department of Mental Health and the Division of Aging and produced by the Instructional Materials Laboratory, University of Missouri-Columbia. This manual is incorporated by reference in this rule. Students and instructors each shall have a copy of this manual.

(8) Student Qualifications.

(A) Any individual employable in a residential setting or day program funded, licensed or certified by the Department of Mental Health to provide services to persons who are mentally retarded or developmentally disabled, and who meet the requirements of 9 CSR 10-5.190, shall be eligible to enroll as a student in this course or to challenge the final examination.

(B) An individual may qualify as a medication aide by successfully challenging the final examination if that individual has successfully completed a medication administration course and is currently employed to perform medication administration tasks in a residential setting or day program operated, funded, licensed or certified by the Department of Mental Health to provide services to persons who are mentally retarded or developmentally disabled.

(C) Certain persons may be deemed certified under paragraph (13)(B)4. of this rule.

(9) Those persons wanting to challenge the final examination shall submit a request in writing to the Missouri Division of Mental Retardation and Developmental Disabilities enclosing applicable documentation. If approved to challenge the examination, the Division of Mental Retardation and Developmental Disabilities will send the applicant a letter to present to an approved instructor so arrangements can be made for testing.

(10) Instructor Qualifications.

(B) In order to be qualified as an instructor, the individual shall—

1. Have attended a "Train the Trainer" workshop to implement the Level I Medication Aide Training Program conducted by a Missouri registered nurse presenter approved by the Missouri Division of Aging.

2. Meet at least one (1) of the following criteria:

A. Have had one (1) year's experience working in a long-term care (LTC) facility licensed by the Division of Aging or in a residential facility or day program operated, funded, licensed or certified by the Department of Mental Health within the past five (5) years; or

B. Be currently employed in a LTC facility licensed by the Department of Mental Health and shall have been employed by that facility for at least six (6) months; or

C. Shall be an instructor in a Health Occupations Education Program.

(11) Sponsoring Agencies.

(A) The Medication Aide Training Program may be sponsored by providers of residential or day programs operated, funded, licensed or certified by the Department of Mental Health, Division of Mental Retardation and Developmental Disabilities.

(B) The sponsoring agency is responsible for obtaining an approved instructor, determining the number of manuals needed for a given program, ordering the manuals for the students and presenting a class schedule for approval by the local regional center. The sponsoring agency shall maintain the following documentation: the name of the approved instructor; the instructor's Social Security number, current address and telephone number; the number of students enrolled; the name, address, telephone number, Social Security number and age of each student; the name and address of the facility that employs the student, if applicable; the date and location of each class to be held; and the date and location of the final examination. If there is a change in the date and location of the training, the sponsoring agency shall notify the local regional center.

(C) Classrooms used for training shall contain sufficient space, equipment and teaching aids to meet the course objectives as determined by the Division of Mental Retardation and Developmental Disabilities.

(12) Testing.

(A) The final examination shall consist of a written and a practicum examination administered by the instructor.

1. The written examination shall include questions based on the course objectives developed by the Division of Mental Retardation and Developmental Disabilities.

2. The practicum examination shall be conducted in a residential setting or day program operated, funded, licensed or certified by the Department of Mental Health, Division of Mental Retardation and Developmental Disabilities or an LTC facility which shall include the preparation and administration by nonparental routes and recording of medications administered to consumers under the direct supervision of the instructor and the person responsible for medication administration in the facility. When it is not feasible and/or possible to conduct the practicum examination in an approved residential or day program, the instructor may request a waiver from the local regional center to conduct the practicum examination in an approved simulated classroom situation.

(13) Records and Certification.

(A) Records.

1. The sponsoring agency shall maintain records of all individuals who have been enrolled in the Medication Aide Training Program and shall submit to the local regional center all test booklets, a copy of the score sheets and a complete class roster.

2. A copy of the final record shall be provided to any individual enrolled in the course.

3. A final record may be released only with written permission from the student in accordance with the provisions of the Privacy Act—PL 900-247.

(B) Certification.

1. The regional center shall issue a Department of Mental Health, Division of Mental Retardation and Developmental Disabilities, Medication Aide Certificate to employable individuals successfully completing the course upon receiving the required final records and test booklets from the sponsoring agency.

2. The regional center shall enter the names of all individuals receiving a Medication Aide Certificate in the Division of Mental Retardation and Developmental Disabilities Medication Aide Registry.

3. Medication aides who do not currently meet certification requirements must successfully pass the Level I Medication Aide course or challenge the final examination, if eligible, and obtain a Division of Mental Retardation and Developmental Disabilities Medication Aide Certificate within eighteen (18) months from the effective date of this regulation. Individuals who fail to comply shall not be allowed to administer medications.

4. Individuals who hold a Medication Aide Certificate issued by a regional center or a Division of Aging Level I Medication Aide Certificate, and have completed bi-annual training as required in section (14), will meet the requirements of this rule.

(14) Bi-Annual Training Program.

(C) The Department of Mental Health regional centers will routinely monitor the quality of medication administration. When quality assurance monitoring documents that a medication aide is not administering medications within training guidelines, the regional center may require the aide to take additional training in order to continue passing medications in the residential setting or day program.

(15) Revocation of Certification.

(A) If the Department of Mental Health upon completion of an investigation, finds that a medication aide has stolen or diverted drugs from a consumer or facility or has had his/her name added to the Department of Mental Health Employee Disqualification Registry or Division of Aging Employee Disqualification Registry, the Department of Mental Health shall render the medication aide's certificate invalid.



STATE OF MISSOURI
DEPARTMENT OF MENTAL HEALTH
MENTAL RETARDATION DEVELOPMENTAL DISABILITIES
MEDICATION AIDE BI-ANNUAL TRAINING

EMPLOYEE NAME		DATE OF BIRTH / /	SOCIAL SECURITY NUMBER - -
EMPLOYEE ADDRESS		MEDICATION AIDE CERTIFICATE (INITIAL)	
		DATE ISSUED ____/____/____ CERTIFICATE #	
SPONSORING FACILITY NAME			
SPONSORING FACILITY ADDRESS			
A. Training shall address at least the following		DATE OF TRAINING ____/____/____ HOURS COMPLETED	DATE OF TRAINING ____/____/____ HOURS COMPLETED
1. Medication ordering and storage			
2. Medication administration			
<input type="checkbox"/> Use of generic drugs			
<input type="checkbox"/> How to pour, chart, administer and document			
<input type="checkbox"/> Information and techniques specific to the following: inhalers, eye drops, topical medications and suppositories			
<input type="checkbox"/> Infection Control			
<input type="checkbox"/> Side effects and adverse reactions			
<input type="checkbox"/> Update on new medications or new procedures			
<input type="checkbox"/> Medication errors			
3. Individual rights, and refusal of medications and treatments;			
4. Issues specific to the facility/program as indicated by the needs of the residents/clients, and the medications and treatments currently being administered			
5. Corrective actions based on problems identified by the staff, the trainees or issues identified by regulatory and accrediting bodies, professional consultants or by any other authoritative source; and			
Other specify:			
The training shall be taken in two (2) two (2) hour blocks or a four (4) hour block and must be completed by the anniversary date of the medication aide's initial certificate. Medication aides who do not participate in at least 4 hours of medication administration training every two years will not be allowed to administer medication in accordance with 9CSR 45-3.060. A signed copy of this form denotes compliance with the training requirement and must be included in the employee's personnel file. It is the responsibility of the agency to offer and the employee to participate in the required training.			
RWLPN SIGNATURE (INSTRUCTOR)		LICENSE NUMBER	DATE
EMPLOYEE SIGNATURE		DATE	
SPONSORING FACILITY (AUTHORIZED SIGNATURE)		DATE	

REVISED PUBLIC COST: Under revisions made to the proposed rule in response to public comments the department will accept some new responsibilities that will result in an increased cost to the department. The department now projects that the rule will cost state agencies \$88,000 over the anticipated life of the rule. See revised fiscal note.

REVISED PRIVATE COST: Under revisions made to the proposed rule in response to public comments, the cost of the rule to private entities is increased. The department now estimates that this rule will cost private entities approximately \$114,000 during the first year of implementation. In subsequent years the cost will increase due to inflation. See revised fiscal note.

**Revised Fiscal Note
Public Entity Cost**

I. RULE NUMBER. (All of the information in Part I comes from the header of the rule.)

Title: 9—Department of Mental Health

Division: 45—Division of Mental Retardation and Developmental Disabilities

Chapter: 3—Care and Habilitation

Type of Rulemaking: New rule

Rule Number and Name: 9 CSR 45-3.070 Certification of Medication Aides Serving Persons with Developmental Disabilities

II. SUMMARY OF FISCAL IMPACT (Present a summary of fiscal impact. Use a separate row for each public agency or political subdivision affected.)

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Division of MRDD	\$87,329

III. WORKSHEET (Present more detailed fiscal information.)

Year	Cost Type	Annual Cost
1	Administrative Supplies	1000
1	.1 FTE – Clerk Typist III	2250
1	Total	3250

Year	Cost Type	Annual Cost	Cumulative Cost
2	Reg. Center Administration	3348	6598
3	“	3448	10045
4	“	3551	13597
5	“	3658	17255
6	“	3768	21022
7	“	3881	24903
8	“	3997	28900
9	“	4117	33017
10	“	4241	37258
11	“	4368	41625
12	“	4499	46124
13	“	4634	50758
14	“	4773	55531
15	“	4916	60446
16	“	5063	65510
17	“	5215	70725
18	“	5372	76097
19	“	5533	81630
20	“	5699	87329

- IV. **ASSUMPTIONS AND METHODOLOGY.** (Present assumptions, references and methods of acquiring information that underlie the conclusions in the fiscal note. Examples of information that might be included here are the sources of information presented in the fiscal note, why those sources were chosen and eventualities that might cause the fiscal impact to be different from your estimate.)
1. Currently MRDD regional centers, except St. Louis, certify issue certificates for medication training under division guidelines.
 2. Currently DMRDD accepts Missouri Division of Aging Level I Medication Aide certificates to meet DMRDD requirements.
 3. By accepting both certificates for initial qualification for purposes of this rule, the division will incur expense only in the St. Louis region.
 4. Administrative expenses for the certification program will involve only supplies and .10 FTE (clerical) for purposes of this rule.
 5. Cost of living increases are calculated at 3%.
 6. The life of the rule is 20 years.

**Revised Fiscal Note
Private Entity Cost**

I. RULE NUMBER. (All of the information in Part I comes from the header of the rule.)

Title: 9—Department of Mental Health

Division: 45—Division of Mental Retardation and Developmental Disabilities

Chapter: 3—Care and Habilitation

Type of Rulemaking: New Rule

Rule Number and Name: 9 CSR 45-3.070 Certification of Medication Aides Serving Persons with Developmental Disabilities

II. SUMMARY OF FISCAL IMPACT. Present a summary of the fiscal impact. If the proposed rulemaking will affect more than one category of business, use one row for each category. In the first row, fill in the estimated number of business in the first category. In the second column, fill in the type of business in the category (i.e. what is the category). In the third column, fill in the aggregate cost (over the life of the rule) to all businesses in this category.

Estimate of the number of entities by class which would likely be affected by the adopting of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
422	Agencies serving persons with developmental disabilities	\$114,556 in first year of implementation

III. WORKSHEET. (Present more detailed fiscal information.)

There are three parts to the cost analysis:

Part A: estimates the cost of getting current staff who administer medications certified.

Part B: estimates the cost of implementing a bi-annual in-service training requirement for current staff.

Part C: estimates the cost of increased initial training and certification for replacement (turnover) staff

Please refer to the attachment for additional information.

IV. ASSUMPTIONS AND METHODOLOGY. (Present assumptions, references and methods of acquiring information that underlie the conclusions in the fiscal note. Examples of information that might be included here are the sources of information presented in the fiscal note, why those sources were chosen and eventualities that might cause the fiscal impact to be different from your estimate.)

Refer to the attachment.

DMRDD Medication Aide Training Requirements: Fiscal Impact

The Division of MRDD conducted a survey in March and April of 2000, on which the following data is based. Of 255 private agencies responding, 251 provided some amount of medication administration. The survey asked how many hours of initial medication administration training each provider offered, and how many hours of medication administration in-service training each offered, together with the schedule of in-service training. We annualized the medication aide in-service training hours reported (the equivalent of 2 hours per year will be required). Some providers indicated they currently provide 18 or more hours of training overall, but not in a 16/2 configuration. We assume these agencies could, at no added cost, reconfigure their training schedules.

Nearly 50% of potentially affected providers, many of them smaller operations, did not respond to the survey, representing approximately a third again as many staff as were reported by the providers who did respond. The cost analyses which follow incorporate a 50% increase for the affected provider agencies and a 33% increase in either affected staff or projected hours needed for those staff, to account for those providers which did not respond. Where an analysis refers to the numbers from the survey itself, this will be stated.

Originally the assumptions and methodology were focused on certification through the Division of Aging Level I Medication Aide program. Following comments on the proposed rule and review of existing infrastructure, the Division of Mental Retardation and Development determined that it would accept Division of Aging Level I certificates, as well as those issued by DMRDD for its own medication training, in lieu of recertification or challenges to the Division of Aging exam. Accordingly, costs are significantly reduced the first year for certification. However, it should be noted that the costs for the bi-annual training will remain the same. Costs associated with replacement staff, in fact, will decrease.

There are three parts to the cost analysis.

Part A. estimates the cost of getting current staff who administer medications certified.

Part B. estimates the cost of implementing a bi-annual in-service training requirement for current staff.

Part C. estimates the cost of increased initial training and certification for replacement (turnover) staff

A. The cost of certifying all current staff who administer medications:

In the survey, 169 provider respondents indicated they provided 16 hours of initial training or its equivalent. 1745 staff from these agencies already carry certification from DMRDD. 40 respondents did not provide a full 16 hours of initial training, but all of their staff were already certified by the Division of Aging or otherwise qualified (nurses or Certified Medication Technicians). 42 respondents did not provide 16 hours of initial training and had some staff needing to be trained further, but most were already certified by the DMRDD.

Those unable to provide even 12 hours we term "type z" providers, and for purposes of this analysis they are assumed to need to add enough hours to their current training to make up the 12 in order to prepare their staff to challenge the exam.

Types "x" and "y" providers are those which provide a range from 12 to 16 or more hours of training for staff currently.

Assumptions

1. Costs per "lost" staff hour for the training are projected as follows:
 - Current cost assumed to be \$9.73
 - Cost inflated by 25% assuming half of staff will be able to be trained without incurring overtime.
 - Cost of living inflator of 3% per year after first year.

- Average cost per staff hour in Part A weighted to account for 18 month implementation (two thirds of cost in first year; one third in second year at increased rate).
- 2. Cost of the training itself is projected at \$5.00 per hour per trainee, as is the cost of administering the exam. The average cost of training and testing, including materials and instructor, is assumed to be \$95, according to the Division of Aging's experience. 16 hours of training plus one hour of testing is done in a class setting. An additional .5 hour of practicum is required, one on one, as part of the test. The cost breakdown, on average, is \$5.00 per staff for a class of four ($\$5.00 \times (17 + (4 \times .5)) = \95).
- 3. Hours needed for training was projected by multiplying the number of staff needing to challenge the exam in a given agency by the difference between that agency's current training capacity and 12.
- 4. Average time to take the exam is 1.5 hours.
- 5. Number of agencies, affected staff and needed hours in the following table are inflated to account for survey non-respondents.

	Affected Agencies	Staff needing certification	Training hours needed	Exam hours needed	Certificates needed
"Type x"	338	0	0	0	0
"Type y"	34	0	0	0	0
"Type z"	50	698	5583	1047	698
subtotal	422	3704	5583	1047	698
staff cost per hour			\$12.28	\$12.28	
training cost per hour			\$5.00	\$5.00	
total cost per hour			\$17.28	\$17.28	
cost for certificate					\$0
totals			\$96,474	\$18,092	\$0
total cost part A					\$114,556
weighted cost year one					\$75,613
weighted cost year two					\$38,943

B. The cost of future in-service training for current staff who administer medications:

Assumptions

1. Affected agencies: If the agency doesn't currently provide at least 4 hours bi-annual (or 2 hours annual) in-service training, and if its total initial-plus-annual training package is less than 18 hours, it will have a cost in future to increase its bi-annual in-service training to 4 hours.
2. Cost per hour
 - For staff to take the in-service training, staff cost per hour was inflated by 3% annually, starting from the base of \$9.73 per hour. All providers are assumed to be able to incorporate in-service training without incurring overtime pay.
 - The cost of providing the training is assumed to be \$5.00 per hour (see A.2. above).
 - Total cost per staff hour is the sum of hourly staff cost plus training cost.
3. Projection of hours
 - Hours needed for affected staff to take the in-service training is calculated as the agency's "missing" hours times the number of non-nurse/non CMT staff.
4. Projection for non-respondents to survey
 - As in Part A, affected providers in the survey were doubled to account for non-respondents, and the hours needed for affected staff were increased by one-third. Thus 118 providers and 2457 staff are projected to be affected by Part B.

5. Costs for Part B will apply to each year after the first year the rule is effective because of the 18 months allowed for implementation.

Year	Staff Plus Training Costs per hour	Costs for 2457 staff by year
Year 2	\$15.02	\$36,909
Year 3	\$15.32	\$37,648
Year 4	\$15.63	\$38,408
Year 5	\$15.95	\$39,192
Year 6	\$16.28	\$39,999
Year 7	\$16.62	\$40,831
Year 8	\$16.97	\$41,687
Year 9	\$17.33	\$42,569
Year 10	\$17.70	\$43,478
Year 11	\$18.08	\$44,413
Year 12	\$18.47	\$45,377
Year 13	\$18.87	\$46,370
Year 14	\$19.29	\$47,393
Year 15	\$19.72	\$48,446
Year 16	\$20.16	\$49,531
Year 17	\$20.61	\$50,648
Year 18	\$21.08	\$51,799
Year 19	\$21.56	\$52,984
Year 20	\$22.06	\$54,205
Total for Part B		\$851,888

C. The cost of initial training for future replacement (turnover) staff:

Assumptions

- Affected agencies: Provider agencies with less than 16 hours of initial training.
- Affected staff: Non-nurse/non-CMT staff in affected agencies times a projected 40% turnover. The number of non-certified turnover staff in the affected agencies is projected to decrease by 5% annually, as certified workers become more prevalent in the workforce.
- Hours: The additional hours needed to make 16. In the affected agencies responding to the survey, the average additional hours needed was 7.3 hours per staff.
- Costs:
 - Hourly cost for staff is increased by 3% annually from first year cost of \$9.73.
 - No overtime costs are projected because these staff will be new and therefore expected to go through orientation before delivering services.
 - The cost for providing the training is projected at \$5.00 per hour.
- Projection for non-respondents: Affected providers in survey were doubled to account for non-respondents and the affected staff were increased by one-third.

<u>new (turnover) non-certified staff needing added training</u>		<u>cost for added training</u>
First year	739	\$85,068
year 2	703	\$82,299
year 3	667	\$79,660

year 4	634	\$77,106
year 5	602	\$74,657
year 6	572	\$72,295
year 7	544	\$70,015
year 8	516	\$67,839
year 9	491	\$65,722
year 10	466	\$63,700
year 11	443	\$61,742
year 12	421	\$59,857
year 13	400	\$58,042
year 14	380	\$56,293
year 15	361	\$54,607
year 16	343	\$52,980
year 17	325	\$51,424
year 18	309	\$49,906
year 19	294	\$48,439
year 20	279	\$47,034

D. Summary Total Cost by Year

Year of Rule	Part A	Part B	Part C	Total Cost per Year
Year 1	\$75,613	\$0	\$85,068	\$160,681
Year 2	\$38,943	\$36,909	\$82,299	\$158,151
Year 3	\$0	\$37,648	\$79,660	\$117,308
Year 4	\$0	\$38,408	\$77,106	\$115,514
Year 5	\$0	\$39,192	\$74,657	\$113,849
Year 6	\$0	\$39,999	\$72,295	\$112,294
Year 7	\$0	\$40,831	\$70,015	\$110,846
Year 8	\$0	\$41,687	\$67,839	\$109,526
Year 9	\$0	\$42,569	\$65,722	\$108,291
Year 10	\$0	\$43,478	\$63,700	\$107,178
Year 11	\$0	\$44,413	\$61,742	\$106,155
Year 12	\$0	\$45,377	\$59,857	\$105,234
Year 13	\$0	\$46,370	\$58,042	\$104,412
Year 14	\$0	\$47,393	\$56,293	\$103,686
Year 15	\$0	\$48,446	\$54,607	\$103,053
Year 16	\$0	\$49,531	\$52,980	\$102,511
Year 17	\$0	\$50,648	\$51,424	\$102,072
Year 18	\$0	\$51,799	\$49,906	\$101,705
Year 19	\$0	\$52,984	\$48,439	\$101,423
Year 20	\$0	\$54,205	\$47,034	\$101,239
Total	\$114,556	\$851,888	\$1,278,685	\$2,245,129

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 110—Sales/Use Tax—Exemptions**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director adopts a rule as follows:

12 CSR 10-110.300 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2001 (26 MoReg 582-583). Changes have been made in the text of the proposed rule, and those changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one letter of comment on this proposed rule.

COMMENT: The commenter suggested adding several items to the list of items that are exempt from tax.

RESPONSE AND EXPLANATION OF CHANGE: The department incorporated the suggested changes and they are reprinted below.

12 CSR 10-110.300 Common Carriers

(3) Basic Application of Exemption.

(E) Materials. Materials used by common carriers directly upon and for the maintenance or repair of motor vehicles, watercraft, railroad rolling stock or aircraft, which qualify for the exemption from tax include, but are not limited to, grease, motor oil, gear oil and lube, water additives, antifreeze, fuel additives, cleaners and paint for body work.

(F) Replacement Parts. Replacement parts used by common carriers directly upon and for the maintenance or repair of motor vehicles, watercraft, railroad rolling stock or aircraft, which qualify for the exemption from tax include, but are not limited to, decals, permit pouches, tarpaulins and tie-downs, wind deflectors, winter fronts, and radio repair parts purchased for use on the vehicle.

(G) Barges. The purchase of barges used primarily in the transportation of property or cargo on interstate waterways is exempt from tax.

(H) Tools. Tools and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property are not subject to tax.

(4) Examples.

(E) A common carrier purchases a cab and chassis. The cab and chassis will be used only in intrastate commerce as a common carrier. The purchase of the cab and chassis is taxable because the cab and chassis are not used in interstate commerce. The common carrier subsequently purchases a dump bed to add to the cab and chassis. The dump bed is exempt from tax because it is materials or equipment used in the manufacture of a motor vehicle to be used by a common carrier.

(F) A common carrier purchases a trailer. The common carrier subsequently purchases a refrigeration unit to add to the trailer. The refrigeration unit is exempt from tax because it is materials or equipment used in the manufacture of a motor vehicle to be used by a common carrier.

(G) The sale of a switch engine to be used to move railroad cars around a switching yard, if part of an interstate rail system, is not subject to tax.

(H) An airline purchases equipment to test engine parts that have been removed from the plane and brought to their repair facility. The equipment purchased would be exempt from tax.

(I) The owner of a Missouri furniture store is registered as a common carrier, but does not hold itself out to the general public as a common carrier. It uses its truck only to deliver furniture sold to customers residing in and outside Missouri. The owner installs new brakes on the truck. Even though the owner is registered as a common carrier, the brakes are taxable because the furniture store is operating as a private carrier.

(J) A charter company only provides bus transportation by contract for private groups for tours of the Southeastern United States. The charter company purchases new tires. The tires are taxable because the business is a contract carrier.

(K) A railroad purchases a flanged wheel mechanized tie replacement machine for repairing broken rail segments on an interstate system. The purchase of the machine is exempt.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 10—Nursing Home Program**

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under sections 208.153, 208.159, and 208.201, RSMo 2000, the director amends a rule as follows:

13 CSR 70-10.030 Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2001 (26 MoReg 650-652). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 35—Hospices**

ORDER OF RULEMAKING

By the authority vested in the Department of Health under section 197.270, RSMo 2000, the department rescinds a rule as follows:

19 CSR 30-35.010 Hospice Program Operations is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2001 (26 MoReg 417). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 35—Hospices**

ORDER OF RULEMAKING

By the authority vested in the Department of Health under section 197.270, RSMo 2000, the department adopts a rule as follows:

19 CSR 30-35.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2001 (26 MoReg 417-424). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Health received six comments on this proposed rule.

COMMENT: Riverways Hospice of Ozarks Medical Center submitted an e-mail asking for clarification regarding personnel record requirements for a group of volunteers in a hospice program.

RESPONSE: These issues are covered by other regulations and are not addressed by this rule. The Department has considered this comment and has decided to make no change in the rule.

COMMENT: HomeCare of Mid-Missouri Hospice submitted a letter with three areas of concern. Number one addressed the requirement of an R.N. on staff 24 hours/day in a respite facility; number two addressed a change to allow an L.P.N. to pronounce death; and number three addressed a change allowing for multiple transfers of patients between hospices for the purpose of taking trips.

RESPONSE: These issues were not addressed in the proposed rule. Numbers one and three are covered under Medicare regulations and number two is an issue that cannot be addressed under the authority of the Department of Health. The Department has considered this comment and has decided to make no change in the rule.

COMMENT: Community Hospices of America—Tri-Lakes submitted a letter with two areas of concern. One addressed the definition of a spiritual counselor and requested re-examination of the definition to be more inclusive. The second concern involved the proposed seven day time frame to complete the spiritual assessment and requested this time frame be extended. Hospice of Southwest Missouri submitted two letters requesting a change in the definition of spiritual counselor. Community Hospices of America, L.L.C. submitted a long letter requesting a change in the definition of spiritual counselor.

RESPONSE AND EXPLANATION OF CHANGE: The Department agreed with the suggestions of redefining spiritual counselor and implemented it by changing the definition of Spiritual Counselor at 19 CSR 30-35.010(1)(A)31. This definition was rephrased.

The seven day time frame was included to allow for consistency among disciplines. The Department has considered this comment and has decided to make no change in the rule.

19 CSR 30-35.010 Hospice Program Operations

(1) General Provisions

(A) Definitions Relating to Hospice Care Agencies.

1. Hospice administrator—the employee designated by the governing body as responsible for the overall functioning of the hospice.

2. Attending physician—a person who—

A. Is licensed as a doctor of medicine or osteopathy in this state or a bordering state; and

B. Is identified by the patient, at the time s/he elects to receive hospice care, as having the most significant role in the determination and delivery of the patient's medical care.

3. Contracted provider—individuals or entities who furnish services to hospice patients under contractual arrangements between the hospice and the contracted provider.

4. Coordinating provider—any individual or agency which independently provides services to the patient in their place of residence.

5. Dietary counselor—an individual that is currently eligible to be licensed as a dietitian in Missouri or recognized as a nutritionist.

6. Direct employee—an individual paid directly by the hospice.

7. Employee—an employee of the hospice or an individual under contract who is appropriately trained and assigned to the hospice program. Employee also refers to a person volunteering for the hospice program.

8. Family—broadly defined to include not only persons bound by biology or legalities but also those who function for the patient in a familial way.

9. Homemaker—a home health aide, volunteer or other individual who assists the patient/family with light housekeeping chores.

10. Home health aide—a person who meets the training, attitude, and skill requirements specified in the Medicare home health program (42 CFR 484.36).

11. Hospice—a public agency or private organization or subdivision of either that:

A. Is primarily engaged in providing care to dying persons and their families; and

B. Meets the standards specified in 19 CSR 30-35.010 and in 19 CSR 30-35.030. If it is a hospice that provides inpatient care directly in a hospice facility, it must also meet the standards of 19 CSR 30-35.020.

12. Hospice patient—a person with a terminal illness or condition for whom the focus of care is on comfort and palliation rather than cure.

13. Licensed practical nurse—a person licensed under Chapter 335, RSMo to engage in the practice of practical nursing.

14. Meal preparation—meals planned, offered or served to all patients from prepared menus.

15. Medical director—a person licensed in this state or a bordering state as a doctor of medicine or osteopathy who assumes overall responsibility for the medical component of the hospice's patient care program.

16. Nutritionist—a person who has graduated from an accredited four-year college with a bachelor's degree including or supplemented by at least 15 semester hours in food and nutrition including at least one course in diet therapy.

17. Occupational therapist—a person who is registered under Chapter 334, RSMo as an occupational therapist and licensed to practice in Missouri.

18. Occupational therapy assistant—a person who has graduated from an occupational therapy assistant program accredited by the Accreditation Council for Occupational Therapy Education and licensed to practice in Missouri.

19. Registered nurse—a person licensed under Chapter 335, RSMo to engage in the practice of professional nursing.

20. Registered nurse coordinator—a registered nurse, who is a direct employee, designated by the hospice to direct the overall provisions of clinical services.

21. Pharmacist—a person licensed as a pharmacist under Chapter 338, RSMo.

22. Physician—a physician as defined in subparagraph (1)(A)2.A. of this rule.

23. Physical therapist—a person who is licensed as a physical therapist under Chapter 334, RSMo.

24. Physical therapy assistant—a person who has graduated from at least a two-year college level program accredited by the American Physical Therapy Association and licensed to practice in Missouri.

25. Legal representative—a person who because of the patient's mental or physical incapacity is legally authorized in accordance with state law to act on behalf of the dying person.

26. Satellite/branch office—a location or site from which a hospice provides services within a portion of the total geographic area served by the parent hospice and the area served by the satellite/branch office is contiguous to or part of the area served by the parent hospice.

27. Skilled nursing—those services which are required by law to be provided by a registered nurse or a licensed practical nurse.

28. Snack—a single meal or item prepared on demand which does not include food items that produce grease-laden vapors.

29. Social worker—a person who has at least a bachelor's degree in social work from a school of social work accredited by the Council on Social Work Education.

30. Speech language pathologist—a person who is licensed under Chapter 345, RSMo as a speech therapist.

31. Spiritual counselor—a person who is ordained, commissioned or credentialed according to the practices of an organized religious group and has completed, or will complete by August 1, 2003, one unit of Clinical Pastoral Education (CPE); or has a minimum of a bachelor's degree with emphasis in counseling or related subjects and has, within ninety (90) days of hire, completed specific training to include: common spiritual issues in death and dying; belief systems of comparative religions related to death and dying; spiritual assessment skills; individualizing care to patient beliefs; and varied spiritual practices/rituals.

32. Standing order—An order by an authorized prescriber that can be implemented by other health care professionals when predetermined criteria are met as per 19 CSR 30-35.010(2)(E)3.-(2)(E)4.A., B. and C.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 35—Hospices**

ORDER OF RULEMAKING

By the authority vested in the Department of Health under section 197.270, RSMo 2000, the department rescinds a rule as follows:

19 CSR 30-35.020 Hospices Providing Direct Care in a Hospice Facility is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2001 (26 MoReg 425). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 35—Hospices**

ORDER OF RULEMAKING

By the authority vested in the Department of Health under section 197.270, RSMo 2000, the department adopts a rule as follows:

19 CSR 30-35.020 Hospice Providing Direct Care in a Hospice Facility is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2001 (26 MoReg 425-435). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 35—Hospices**

ORDER OF RULEMAKING

By the authority vested in the Department of Health under section 197.270, RSMo 2000, the department rescinds a rule as follows:

19 CSR 30-35.030 State Certification Management is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2001 (26 MoReg 436). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 35—Hospices**

ORDER OF RULEMAKING

By the authority vested in the Department of Health under section 197.270, RSMo 2000, the department adopts a rule as follows:

19 CSR 30-35.030 State Certification Management is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2001 (26 MoReg 436-439). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 100—Division of Credit Unions

APPLICATIONS FOR NEW GROUPS OR GEOGRAPHIC AREAS

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the following credit unions have submitted applications to add new groups or geographic areas to their membership.

Credit Union	Proposed New Group or Geographic Area
First Missouri Credit Union 1690 LeMay Ferry Road St. Louis, MO 63125	Anyone living or working in zip codes 63010, 63111, 63116, 63123 and 63128

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to any of these applications. Comments shall be filed with: Director, Division of Credit Unions, PO Box 1607, Jefferson City, MO 65102. To be considered, written comments must be submitted no later than ten business days after publication of this notice in the Missouri Register.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 100—Division of Credit Unions

ACTIONS TAKEN ON APPLICATIONS FOR NEW GROUPS OR GEOGRAPHIC AREAS

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the director has either granted or rejected applications from the following credit unions to add new groups or geographic areas to their membership and state the reasons for taking these actions.

The following applications have been granted. These credit unions have met the criteria applied to determine if additional groups may be included in the membership of an existing credit union and have the immediate ability to serve the proposed new groups or geographic areas. The proposed new groups or geographic areas meet the requirements established pursuant to 370.080(2), RSMo 2000.

Credit Union	Proposed New Group or Geographic Area
Anheuser Busch Employees' Credit Union 1001 Lynch Street St. Louis, MO 63118	People who live or work in the 63104 zip code and the remainder of the Souldard Historic District
Mazuma Credit Union 9300 Troost Kansas City, MO 64131	Jackson County

Title 19—DEPARTMENT OF HEALTH Division 60—Missouri Health Facilities Review Committee Chapter 50—Certificate of Need Program

APPLICATION REVIEW SCHEDULE

DATE FILED:
APPLICATION PROJECT NO. &
NAME/COST & DESCRIPTION/
CITY & COUNTY

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. Decisions are tentatively scheduled for the July 30, 2001, Certificate of Need meeting. These applications are available for public inspection at the address shown below:

05/17/01

#3131 HS: Southeast Missouri Hospital
Cape Girardeau (Cape Girardeau County)
\$1,777,553, Replace magnetic resonance imager (MRI)

#3125 HS: Cox Walnut Lawn
Springfield (Greene County)
\$2,440,399, Renovate surgical services

#3128 FS: Medical Diagnostic Center Associates, L.P.
Independence (Jackson County)
\$2,026,438, Replace MRI

05/18/01

#3133 FS: Bluff Radiology Group
Poplar Bluff (Butler)
\$2,895,000, Establish diagnostic imaging center

#3104 HS: Bothwell Regional Health Center
Sedalia (Pettis County)
\$2,065,040, Replace MRI

#3130 HS: Hannibal Regional Hospital
Hannibal (Marion County)
\$1,998,804, Establish mobile positron
emission tomography service

Any person wishing to request a public hearing for the purpose of commenting on any of these applications must submit a written request to this effect, which must be received by June 17, 2001. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
915 G Leslie Boulevard
Jefferson City, MO 65101

For additional information contact
Donna Schuessler, 573-751-6403.

**OFFICE OF ADMINISTRATION
Division of Purchasing**

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: www.moolb.state.mo.us. Prospective bidders may receive specifications upon request.

B1Z01429 Meats-August 7/2/01;
B3E01249 Trash Collection Services 7/2/01;
B1E01431 Equipment: Bar Soap Cutter 7/9/01;
B3Z01257 Conference Services; Columbia, Jefferson City, Lake Ozark, or Springfield 7/9/01;
B3E01256 Janitorial Services 7/11/01;
B3E01259 Janitorial Services 7/11/01;
B3E01247 Waste Tire Disposal-Beads & Pieces 7/12/01;
B3Z01246 First Steps System Point of Entry (SPOE) 7/12/01;
B3Z01162 Drug & Alcohol Testing Program 7/18/01;
B3Z01212 Videotape Production Services 7/26/01;

It is the intent of the state of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

American Traveler Survey 2001, supplied by Plog Research.

1.) Juvenile Arthritis Center, supplied by St. Louis Medical Center. 2.) St. Louis Tobacco Use Prevention and Control Program, supplied by St. Louis University Health Sciences Center.

James Miluski, CPPO,
Acting Director of Purchasing

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—24 (1999), 25 (2000) and 26 (2001). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				24 MoReg 2535 25 MoReg 2478
1 CSR 10-15.010	Commissioner of Administration	26 MoReg 103	26 MoReg 641	26 MoReg 1260	
1 CSR 15-2.200	Administrative Hearing Commission		26 MoReg 390	26 MoReg 1187	
1 CSR 15-2.290	Administrative Hearing Commission		26 MoReg 390	26 MoReg 1187	
1 CSR 15-2.450	Administrative Hearing Commission		26 MoReg 391	26 MoReg 1187	
1 CSR 15-2.560	Administrative Hearing Commission		26 MoReg 391	26 MoReg 1187	
1 CSR 15-3.200	Administrative Hearing Commission		26 MoReg 391	26 MoReg 1188	
1 CSR 15-3.210	Administrative Hearing Commission		26 MoReg 392	26 MoReg 1188	
1 CSR 15-3.290	Administrative Hearing Commission		26 MoReg 392	26 MoReg 1188	
1 CSR 15-3.320	Administrative Hearing Commission		26 MoReg 392	26 MoReg 1188	
1 CSR 15-3.350	Administrative Hearing Commission		26 MoReg 393	26 MoReg 1188	
1 CSR 15-3.380	Administrative Hearing Commission		26 MoReg 394	26 MoReg 1189	
1 CSR 15-3.450	Administrative Hearing Commission		26 MoReg 395	26 MoReg 1189	
1 CSR 15-3.490	Administrative Hearing Commission		26 MoReg 395	26 MoReg 1189	
1 CSR 15-3.560	Administrative Hearing Commission		26 MoReg 395	26 MoReg 1189	
1 CSR 15-5.210	Administrative Hearing Commission		26 MoReg 396R	26 MoReg 1189R	
1 CSR 15-5.230	Administrative Hearing Commission		26 MoReg 396R	26 MoReg 1189R	
1 CSR 15-5.250	Administrative Hearing Commission		26 MoReg 396R	26 MoReg 1190R	
1 CSR 15-5.270	Administrative Hearing Commission		26 MoReg 397R	26 MoReg 1190R	
1 CSR 15-5.290	Administrative Hearing Commission		26 MoReg 397R	26 MoReg 1190R	
1 CSR 15-5.320	Administrative Hearing Commission		26 MoReg 397R	26 MoReg 1190R	
1 CSR 15-5.350	Administrative Hearing Commission		26 MoReg 397R	26 MoReg 1190R	
1 CSR 15-5.380	Administrative Hearing Commission		26 MoReg 398R	26 MoReg 1190R	
1 CSR 15-5.390	Administrative Hearing Commission		26 MoReg 398R	26 MoReg 1191R	
1 CSR 15-5.410	Administrative Hearing Commission		26 MoReg 398R	26 MoReg 1191R	
1 CSR 15-5.420	Administrative Hearing Commission		26 MoReg 398R	26 MoReg 1191R	
1 CSR 15-5.430	Administrative Hearing Commission		26 MoReg 399R	26 MoReg 1191R	
1 CSR 15-5.450	Administrative Hearing Commission		26 MoReg 399R	26 MoReg 1191R	
1 CSR 15-5.470	Administrative Hearing Commission		26 MoReg 399R	26 MoReg 1191R	
1 CSR 15-5.480	Administrative Hearing Commission		26 MoReg 399R	26 MoReg 1192R	
1 CSR 15-5.490	Administrative Hearing Commission		26 MoReg 400R	26 MoReg 1192R	
1 CSR 15-5.510	Administrative Hearing Commission		26 MoReg 400R	26 MoReg 1192R	
1 CSR 15-5.530	Administrative Hearing Commission		26 MoReg 400R	26 MoReg 1192R	
1 CSR 15-5.560	Administrative Hearing Commission		26 MoReg 400R	26 MoReg 1192R	
1 CSR 15-5.580	Administrative Hearing Commission		26 MoReg 401R	26 MoReg 1192R	
1 CSR 15-6.210	Administrative Hearing Commission		26 MoReg 401R	26 MoReg 1193R	
1 CSR 15-6.230	Administrative Hearing Commission		26 MoReg 401R	26 MoReg 1193R	
1 CSR 15-6.250	Administrative Hearing Commission		26 MoReg 401R	26 MoReg 1193R	
1 CSR 15-6.270	Administrative Hearing Commission		26 MoReg 402R	26 MoReg 1193R	
1 CSR 15-6.290	Administrative Hearing Commission		26 MoReg 402R	26 MoReg 1193R	
1 CSR 15-6.320	Administrative Hearing Commission		26 MoReg 402R	26 MoReg 1193R	
1 CSR 15-6.350	Administrative Hearing Commission		26 MoReg 402R	26 MoReg 1194R	
1 CSR 15-6.380	Administrative Hearing Commission		26 MoReg 403R	26 MoReg 1194R	
1 CSR 15-6.390	Administrative Hearing Commission		26 MoReg 403R	26 MoReg 1194R	
1 CSR 15-6.410	Administrative Hearing Commission		26 MoReg 403R	26 MoReg 1194R	
1 CSR 15-6.420	Administrative Hearing Commission		26 MoReg 403R	26 MoReg 1194R	
1 CSR 15-6.430	Administrative Hearing Commission		26 MoReg 404R	26 MoReg 1194R	
1 CSR 15-6.450	Administrative Hearing Commission		26 MoReg 404R	26 MoReg 1195R	
1 CSR 15-6.470	Administrative Hearing Commission		26 MoReg 404R	26 MoReg 1195R	
1 CSR 15-6.480	Administrative Hearing Commission		26 MoReg 404R	26 MoReg 1195R	
1 CSR 15-6.490	Administrative Hearing Commission		26 MoReg 405R	26 MoReg 1195R	
1 CSR 15-6.510	Administrative Hearing Commission		26 MoReg 405R	26 MoReg 1195R	
1 CSR 15-6.530	Administrative Hearing Commission		26 MoReg 405R	26 MoReg 1195R	
1 CSR 15-6.560	Administrative Hearing Commission		26 MoReg 405R	26 MoReg 1196R	
1 CSR 15-6.580	Administrative Hearing Commission		26 MoReg 406R	26 MoReg 1196R	
DEPARTMENT OF AGRICULTURE					
2 CSR 10-5.005	Market Development	24 MoReg 2269			
2 CSR 10-5.010	Market Development	This IssueR			
	This Issue			
2 CSR 70-13.030	Plant Industries		26 MoReg 905		
2 CSR 80-5.010	State Milk Board		26 MoReg 909		
2 CSR 90-21.060	Weights and Measures		25 MoReg 2788	26 MoReg 865	
2 CSR 90-40.010	Weights and Measures		26 MoReg 1129R		
2 CSR 90-50.010	Weights and Measures		26 MoReg 1129R		
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.113	Conservation Commission		26 MoReg 1130		
3 CSR 10-4.115	Conservation Commission		26 MoReg 1130R		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-4.116	Conservation Commission		26 MoReg 646	26 MoReg 1196	
3 CSR 10-5.205	Conservation Commission		26 MoReg 1131R		
3 CSR 10-5.215	Conservation Commission		26 MoReg 1132		
3 CSR 10-5.216	Conservation Commission		26 MoReg 1132		
3 CSR 10-5.310	Conservation Commission		26 MoReg 1133		
3 CSR 10-5.315	Conservation Commission		26 MoReg 1133		
3 CSR 10-5.320	Conservation Commission		26 MoReg 1133		
3 CSR 10-6.405	Conservation Commission		26 MoReg 1134		
3 CSR 10-6.410	Conservation Commission		26 MoReg 1134		
3 CSR 10-6.505	Conservation Commission		26 MoReg 1135		
3 CSR 10-6.525	Conservation Commission		26 MoReg 1135		
3 CSR 10-7.435	Conservation Commission		N.A.	This Issue	
3 CSR 10-7.440	Conservation Commission		N.A.	This Issue	
3 CSR 10-7.455	Conservation Commission		N.A.	26 MoReg 1196	
3 CSR 10-9.110	Conservation Commission		This Issue		
3 CSR 10-9.575	Conservation Commission		26 MoReg 1136		
3 CSR 10-9.625	Conservation Commission		26 MoReg 1136		
3 CSR 10-10.744	Conservation Commission		26 MoReg 1136		
3 CSR 10-11.105	Conservation Commission		26 MoReg 1137		
3 CSR 10-11.110	Conservation Commission		26 MoReg 1137		
3 CSR 10-11.115	Conservation Commission		26 MoReg 1137		
3 CSR 10-11.120	Conservation Commission		26 MoReg 1138		
3 CSR 10-11.130	Conservation Commission		26 MoReg 1138		
3 CSR 10-11.135	Conservation Commission		26 MoReg 1139		
3 CSR 10-11.140	Conservation Commission		26 MoReg 1139		
3 CSR 10-11.145	Conservation Commission		26 MoReg 1139		
3 CSR 10-11.150	Conservation Commission		26 MoReg 1140		
3 CSR 10-11.155	Conservation Commission		26 MoReg 1140		
3 CSR 10-11.160	Conservation Commission		26 MoReg 1140		
3 CSR 10-11.165	Conservation Commission		26 MoReg 1141		
3 CSR 10-11.180	Conservation Commission		26 MoReg 1141		
3 CSR 10-11.182	Conservation Commission		26 MoReg 1144		
3 CSR 10-11.183	Conservation Commission		26 MoReg 1146		
3 CSR 10-11.186	Conservation Commission		26 MoReg 1146		
3 CSR 10-11.187	Conservation Commission		26 MoReg 1147		
3 CSR 10-11.200	Conservation Commission		26 MoReg 1147		
3 CSR 10-11.205	Conservation Commission		26 MoReg 1148		
3 CSR 10-11.210	Conservation Commission		26 MoReg 1149		
3 CSR 10-11.215	Conservation Commission		26 MoReg 1150		
3 CSR 10-11.805	Conservation Commission		26 MoReg 649	26 MoReg 1196	
3 CSR 10-12.101	Conservation Commission		26 MoReg 1150R		
3 CSR 10-12.105	Conservation Commission		26 MoReg 1151		
3 CSR 10-12.109	Conservation Commission		26 MoReg 1151		
3 CSR 10-12.110	Conservation Commission		This Issue		
3 CSR 10-12.115	Conservation Commission		26 MoReg 1151		
3 CSR 10-12.125	Conservation Commission		26 MoReg 1152		
3 CSR 10-12.130	Conservation Commission		26 MoReg 1153		
3 CSR 10-12.135	Conservation Commission		26 MoReg 1154		
3 CSR 10-12.140	Conservation Commission		26 MoReg 1154		
3 CSR 10-12.145	Conservation Commission		26 MoReg 1154		
3 CSR 10-12.150	Conservation Commission		26 MoReg 1156		
3 CSR 10-20.805	Conservation Commission		26 MoReg 1156		
			26 MoReg 1157		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 40-1.021	Office of Athletics	21 MoReg 2680			
4 CSR 40-5.070	Office of Athletics	21 MoReg 1963			
4 CSR 90-7.010	State Board of Cosmetology		26 MoReg 322R	26 MoReg 1260R	
			26 MoReg 322	26 MoReg 1260	
4 CSR 90-8.010	State Board of Cosmetology		26 MoReg 697R		
			26 MoReg 697		
4 CSR 90-11.010	State Board of Cosmetology		26 MoReg 328	26 MoReg 1260	
4 CSR 100	Division of Credit Unions				26 MoReg 1096
					26 MoReg 1212
					26 MoReg 1277
					This Issue
4 CSR 100 2.060	Division of Credit Unions		26 MoReg 1159		
4 CSR 100-2.185	Division of Credit Unions		26 MoReg 174	26 MoReg 949	
4 CSR 100-2.220	Division of Credit Unions		26 MoReg 174	26 MoReg 949	
4 CSR 120-2.100	State Board of Embalmers and Funeral Directors		26 MoReg 1007		
4 CSR 140-2.070	Division of Finance		26 MoReg 328	This Issue	
4 CSR 140-2.138	Division of Finance		26 MoReg 328	This Issue	
4 CSR 140-6.085	Division of Finance		26 MoReg 329	This Issue	
4 CSR 145-1.040	Missouri Board of Geologist Registration		26 MoReg 1011		
4 CSR 150-2.050	State Board of Registration for the Healing Arts		26 MoReg 1014		
4 CSR 150-2.080	State Board of Registration for the Healing Arts		26 MoReg 1014		
4 CSR 150-2.125	State Board of Registration for the Healing Arts		26 MoReg 1020		
4 CSR 150-2.165	State Board of Registration for the Healing Arts		26 MoReg 1021		
4 CSR 150-4.060	State Board of Registration for the Healing Arts		26 MoReg 330	26 MoReg 1261	
4 CSR 150-8.060	State Board of Registration for the Healing Arts		26 MoReg 1023		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 200-4.010	State Board of Nursing	26 MoReg 112	26 MoReg 175	26 MoReg 949	
4 CSR 205-4.010	Missouri Board of Occupational Therapy		26 MoReg 859		
4 CSR 205-4.020	Missouri Board of Occupational Therapy		26 MoReg 859		
4 CSR 220-2.018	State Board of Pharmacy		25 MoReg 2789	26 MoReg 958	
4 CSR 220-2.030	State Board of Pharmacy		25 MoReg 2789	26 MoReg 958	
4 CSR 220-2.032	State Board of Pharmacy		26 MoReg 698		
4 CSR 220-2.080	State Board of Pharmacy		25 MoReg 2790	26 MoReg 958	
4 CSR 220-2.085	State Board of Pharmacy		26 MoReg 1025		
4 CSR 220-2.090	State Board of Pharmacy		25 MoReg 2791	26 MoReg 958	
4 CSR 220-2.300	State Board of Pharmacy		25 MoReg 2791R	26 MoReg 959R	
			25 MoReg 2791	26 MoReg 959	
4 CSR 220-2.900	State Board of Pharmacy		25 MoReg 2792	26 MoReg 960	
4 CSR 220-4.010	State Board of Pharmacy		26 MoReg 698		
4 CSR 220-5.020	State Board of Pharmacy		25 MoReg 2795	26 MoReg 961	
			26 MoReg 1025		
4 CSR 220-5.030	State Board of Pharmacy		25 MoReg 2795	26 MoReg 961	
4 CSR 231-2.010	Division of Professional Registration		26 MoReg 699		
4 CSR 233-1.040	State Committee of Marital and Family Therapists		This Issue		
4 CSR 233-2.010	State Committee of Marital and Family Therapists		This Issue		
4 CSR 233-2.020	State Committee of Marital and Family Therapists		This Issue		
4 CSR 233-2.021	State Committee of Marital and Family Therapists		This Issue		
4 CSR 233-2.040	State Committee of Marital and Family Therapists		This Issue		
4 CSR 235-1.020	State Committee of Psychologists		26 MoReg 700		
4 CSR 235-2.060	State Committee of Psychologists		26 MoReg 700R		
			26 MoReg 700		
4 CSR 240-21.010	Public Service Commission		This Issue		
4 CSR 240-32.130	Public Service Commission		26 MoReg 330	This Issue	
4 CSR 240-32.140	Public Service Commission		26 MoReg 331	This Issue	
4 CSR 240-32.150	Public Service Commission		26 MoReg 331	This Issue	
4 CSR 240-32.160	Public Service Commission		26 MoReg 331	This Issue	
4 CSR 240-32.170	Public Service Commission		26 MoReg 332	This Issue	
4 CSR 240-51.010	Public Service Commission		This Issue		
4 CSR 240-120.100	Public Service Commission		26 MoReg 1160		
4 CSR 240-121.010	Public Service Commission		26 MoReg 1161		
4 CSR 240-121.020	Public Service Commission		26 MoReg 1161		
4 CSR 240-121.040	Public Service Commission		26 MoReg 1161		
4 CSR 240-121.050	Public Service Commission		26 MoReg 1162		
4 CSR 240-121.060	Public Service Commission		26 MoReg 1162		
4 CSR 240-121.090	Public Service Commission		26 MoReg 1162		
4 CSR 245-5.010	Real Estate Appraisers		26 MoReg 1026		
4 CSR 245-5.020	Real Estate Appraisers		26 MoReg 1026		
4 CSR 255-1.040	Missouri Board for Respiratory Care		26 MoReg 860		
4 CSR 255-2.020	Missouri Board for Respiratory Care		26 MoReg 493	This Issue	
4 CSR 255-2.030	Missouri Board for Respiratory Care		26 MoReg 493	This Issue	
4 CSR 255-2.050	Missouri Board for Respiratory Care		26 MoReg 494	This Issue	
4 CSR 255-2.060	Missouri Board for Respiratory Care		26 MoReg 496R	This IssueR	
			26 MoReg 496	This Issue	
4 CSR 255-4.010	Missouri Board for Respiratory Care		26 MoReg 501R	This IssueR	
			26 MoReg 501	This Issue	
4 CSR 265-10.030	Division of Motor Carrier and Railroad Safety	26 MoReg 112	26 MoReg 203	26 MoReg 961	
4 CSR 270-1.011	Missouri Veterinary Medical Board		26 MoReg 1030		
4 CSR 270-1.021	Missouri Veterinary Medical Board		26 MoReg 1030		
4 CSR 270-1.050	Missouri Veterinary Medical Board		26 MoReg 1031R		
			26 MoReg 1031		
4 CSR 270-2.011	Missouri Veterinary Medical Board		26 MoReg 1037		
4 CSR 270-2.021	Missouri Veterinary Medical Board		26 MoReg 1037		
4 CSR 270-2.052	Missouri Veterinary Medical Board		26 MoReg 1038		
4 CSR 270-2.070	Missouri Veterinary Medical Board		26 MoReg 1038		
4 CSR 270-2.071	Missouri Veterinary Medical Board		26 MoReg 1039		
4 CSR 270-3.020	Missouri Veterinary Medical Board		26 MoReg 1039		
4 CSR 270-3.030	Missouri Veterinary Medical Board		26 MoReg 1040		
4 CSR 270-3.040	Missouri Veterinary Medical Board		26 MoReg 1040		
4 CSR 270-4.042	Missouri Veterinary Medical Board		26 MoReg 1041		
4 CSR 270-4.050	Missouri Veterinary Medical Board		26 MoReg 1047		
4 CSR 270-4.060	Missouri Veterinary Medical Board		26 MoReg 1051		
4 CSR 270-5.011	Missouri Veterinary Medical Board		26 MoReg 1051		
4 CSR 270-7.020	Missouri Veterinary Medical Board		26 MoReg 1054		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 30-261.025	Division of School Services		26 MoReg 912		
5 CSR 30-345.020	Division of School Services		This Issue		
	(<i>Changed to 5 CSR 50-345.020</i>)				
5 CSR 50-345.020	Division of School Improvement		This Issue		
	(<i>Changed from 5 CSR 30-345.020</i>)				
5 CSR 60-100.020	Vocational and Adult Education		26 MoReg 915		
5 CSR 60-120.010	Vocational and Adult Education		N.A.	26 MoReg 821	
5 CSR 60-120.080	Vocational and Adult Education		26 MoReg 209	26 MoReg 1197	
5 CSR 80-800.200	Teacher Quality and Urban Education		26 MoReg 918		
5 CSR 80-800.220	Teacher Quality and Urban Education		26 MoReg 918		
5 CSR 80-800.230	Teacher Quality and Urban Education		26 MoReg 919		
5 CSR 80-800.260	Teacher Quality and Urban Education		26 MoReg 919		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
5 CSR 80-800.270	Teacher Quality and Urban Education		26 MoReg 922		
5 CSR 80-800.280	Teacher Quality and Urban Education		26 MoReg 922		
5 CSR 80-800.350	Teacher Quality and Urban Education		26 MoReg 923		
5 CSR 80-800.360	Teacher Quality and Urban Education		26 MoReg 925		
5 CSR 80-800.380	Teacher Quality and Urban Education		26 MoReg 926		
5 CSR 90-4.120	Vocational Rehabilitation		26 MoReg 212	26 MoReg 1197	
5 CSR 90-5.400	Vocational Rehabilitation		26 MoReg 212	26 MoReg 1197	
5 CSR 90-5.440	Vocational Rehabilitation		26 MoReg 214	26 MoReg 1197	
DEPARTMENT OF HIGHER EDUCATION					
6 CSR 10-5.010	Commissioner of Higher Education				26 MoReg 1277
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 5-1.010	Administration		This IssueR		
8 CSR 10-4.080	Division of Employment Security		26 MoReg 333	26 MoReg 1197	
8 CSR 60-3.040	Missouri Commission on Human Rights		26 MoReg 333	26 MoReg 1093	
8 CSR 70-1.010	MO Assistive Technology Advisory Council.....	26 MoReg 317	26 MoReg 334.....	26 MoReg 1093	
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-5.210	Director, Department of Mental Health		26 MoReg 705		
9 CSR 10-7.010	Director, Department of Mental Health		26 MoReg 708		
9 CSR 10-7.020	Director, Department of Mental Health		26 MoReg 710		
9 CSR 10-7.030	Director, Department of Mental Health		26 MoReg 711		
9 CSR 10-7.040	Director, Department of Mental Health		26 MoReg 714		
9 CSR 10-7.050	Director, Department of Mental Health		26 MoReg 714		
9 CSR 10-7.060	Director, Department of Mental Health		26 MoReg 715		
9 CSR 10-7.070	Director, Department of Mental Health		26 MoReg 716		
9 CSR 10-7.080	Director, Department of Mental Health		26 MoReg 717		
9 CSR 10-7.090	Director, Department of Mental Health		26 MoReg 718		
9 CSR 10-7.100	Director, Department of Mental Health		26 MoReg 719		
9 CSR 10-7.110	Director, Department of Mental Health		26 MoReg 719		
9 CSR 10-7.120	Director, Department of Mental Health		26 MoReg 720		
9 CSR 10-7.130	Director, Department of Mental Health		26 MoReg 723		
9 CSR 10-7.140	Director, Department of Mental Health		26 MoReg 725		
9 CSR 30-3.010	Certification Standards		26 MoReg 728R		
9 CSR 30-3.020	Certification Standards		26 MoReg 728R		
9 CSR 30-3.022	Certification Standards		26 MoReg 728		
9 CSR 30-3.030	Certification Standards		26 MoReg 729R		
9 CSR 30-3.032	Certification Standards		26 MoReg 729		
9 CSR 30-3.040	Certification Standards		26 MoReg 730R		
9 CSR 30-3.050	Certification Standards		26 MoReg 730R		
9 CSR 30-3.060	Certification Standards		26 MoReg 731R		
9 CSR 30-3.070	Certification Standards		26 MoReg 731R		
9 CSR 30-3.080	Certification Standards		26 MoReg 731R		
9 CSR 30-3.100	Certification Standards		26 MoReg 731		
9 CSR 30-3.110	Certification Standards		26 MoReg 735		
9 CSR 30-3.120	Certification Standards		26 MoReg 737		
9 CSR 30-3.130	Certification Standards		26 MoReg 739		
9 CSR 30-3.132	Certification Standards		26 MoReg 750		
	(Changed from 9 CSR 30-3.610)				
9 CSR 30-3.134	Certification Standards		26 MoReg 753		
	(Changed from 9 CSR 30-3.611)				
9 CSR 30-3.140	Certification Standards		26 MoReg 741		
9 CSR 30-3.150	Certification Standards		26 MoReg 742		
9 CSR 30-3.160	Certification Standards		26 MoReg 742		
9 CSR 30-3.190	Certification Standards		26 MoReg 745		
9 CSR 30-3.192	Certification Standards		26 MoReg 746		
9 CSR 30-3.200	Certification Standards		26 MoReg 747R		
9 CSR 30-3.201	Certification Standards		26 MoReg 758		
	(Changed from 9 CSR 30-3.700)				
9 CSR 30-3.202	Certification Standards		26 MoReg 760		
	(Changed from 9 CSR 30-3.730)				
9 CSR 30-3.204	Certification Standards		26 MoReg 762		
	(Changed from 9 CSR 30-3.750)				
9 CSR 30-3.206	Certification Standards		26 MoReg 764		
	(Changed from 9 CSR 30-3.760)				
9 CSR 30-3.208	Certification Standards		26 MoReg 768		
	(Changed from 9 CSR 30-3.790)				
9 CSR 30-3.210	Certification Standards		26 MoReg 748R		
9 CSR 30-3.220	Certification Standards		26 MoReg 748R		
9 CSR 30-3.230	Certification Standards		26 MoReg 768		
	(Changed from 9 CSR 30-3.800)				
9 CSR 30-3.240	Certification Standards		26 MoReg 748R		
9 CSR 30-3.250	Certification Standards		26 MoReg 748R		
9 CSR 30-3.300	Certification Standards		26 MoReg 755		
	(Changed from 9 CSR 30-3.630)				
9 CSR 30-3.400	Certification Standards		26 MoReg 749R		
9 CSR 30-3.410	Certification Standards		26 MoReg 749R		
9 CSR 30-3.420	Certification Standards		26 MoReg 749R		
9 CSR 30-3.500	Certification Standards		26 MoReg 749R		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
9 CSR 30-3.510	Certification Standards.....		26 MoReg 750R		
9 CSR 30-3.600	Certification Standards.....		26 MoReg 750R		
9 CSR 30-3.610	Certification Standards.....		26 MoReg 750		
	(Changed to 9 CSR 30-3.132)				
9 CSR 30-3.611	Certification Standards.....		26 MoReg 753		
	(Changed to 9 CSR 30-3.134)				
9 CSR 30-3.620	Certification Standards.....		26 MoReg 755R		
9 CSR 30-3.621	Certification Standards.....		26 MoReg 755R		
9 CSR 30-3.630	Certification Standards.....		26 MoReg 755		
	(Changed to 9 CSR 30-3.300)				
9 CSR 30-3.700	Certification Standards.....		26 MoReg 758		
	(Changed to 9 CSR 30-3.201)				
9 CSR 30-3.710	Certification Standards.....		26 MoReg 759R		
9 CSR 30-3.720	Certification Standards.....		26 MoReg 759R		
9 CSR 30-3.730	Certification Standards.....		26 MoReg 760		
	(Changed to 9 CSR 30-3.202)				
9 CSR 30-3.740	Certification Standards.....		26 MoReg 762R		
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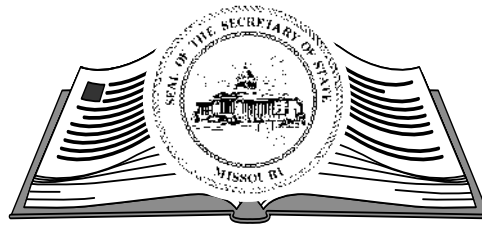
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